CHAPTER 1

GENERAL GOVERNMENT

1.01 MEETINGS.

(1) Regular Town Board Meetings. Regular meetings of the Town Board of the Town of Freedom shall be held on the fourth Wednesday of each calendar month at 6:00 p.m. The November and December regular Town Board meetings will be held on the third Wednesday of those months, unless rescheduled by the Town Board and properly noticed. Any regular meeting falling on a legal holiday may be rescheduled to another date, or if following a meeting of a commission, committee or public hearing, may begin earlier than 7:00 p.m. The Town Board may also schedule special meetings. The Town Clerk shall insure that all meetings are properly noticed. *[Amended 02-25-2015 by Ord. No. 15-01]*

(2) Place of Meetings. Meetings of the Town Board shall be held in the town or in any village or city within or adjoining the town.

(3) Quorum. Any three supervisors of the town, including the town chairman, shall constitute a quorum, unless otherwise provided by law. The chairman may administer oaths and affidavits in all matters pertaining to the affairs of the town.

(4) Order of Business at Regular Town Board Meetings. The business of the Town Board shall be conducted in the following manner:

1. Call to order by presiding officer.
2. Roll call. If a quorum is not present, the meeting shall thereupon adjourn.
3. Adoption of agenda.
4. Reading, correction and approval of minutes of the previous meeting.
5. Open floor
6. Introduction of ordinances and resolutions.
7. Action on all business.
8. Committee reports.
9. Treasurer's report, reading, correction and approval.
10. General fund vouching approval or disapproval.
11. Adjournment.

1.02 ANNUAL TOWN MEETING.

(1) Date. There shall be an annual town meeting of the Town of Freedom on the third Tuesday of April of each year at which all business shall be transacted which is by law required or permitted to be transacted by Wisconsin Statutes at such meeting. At the annual town meeting, the electors may set the date of the next annual town

meeting; however, this date shall be within ten (10) days after the second Tuesday in April and notice shall be given of the meeting under Section 60.11(5), Wis. Stats.

(2) Time. The hour for holding succeeding annual town meetings may be fixed at any such meeting.

(3) Place. Any annual or special town meeting may be held in the town or in any village or city within or adjoining the town.

(4) Order of Business. No reconsideration of any vote shall be had at any town annual or special meeting unless it be taken by a majority vote within one hour from the time such vote shall have been passed, or if taken later than one hour, unless it be sustained by a number of votes equal to a majority of all the names entered on the poll list at such election up to the time the motion therefore shall be made. All other questions upon motions at a town meeting shall be determined by a majority of the electors voting.

(5) Presiding Officer. At any annual town meeting held in April of a year where office of the chairman is filled by election, the person holding that office on the day prior to the date of the election held to fill said office shall be the presiding officer. If said person is absent or refuses to serve, one of the other supervisors of the town shall serve as chairman; but if no one of the supervisors be present, the qualified electors at such meeting may choose a chairman.

(6) Clerk of Meeting. The Town Clerk shall serve as clerk of such town meeting; if the Town Clerk is absent, then such person as shall be appointed by the electors shall act as clerk of such meeting.

1.03 SPECIAL TOWN MEETINGS.

(1) Purpose. Special town meetings may be held for the purpose of transacting any lawful business which might be done at the annual meeting. No matter voted upon or decided at any such special town meeting shall be acted upon in any subsequent special town meeting held in such town prior to the time for holding the next annual town meeting.

(2) How Called. Special town meetings may be held pursuant to (1) a call by the Town Meeting; (2) written request signed by a number of electors equal to not less than 10% of the votes cast in the Town for governor at the last general election; or (3) called by the Town Board.

(3) Notice. The Town Clerk with whom the request is left shall record it, set the date and place for the meeting, and not sooner than twenty (20), nor less than fifteen (15) days before the date of the meeting, publish a Class 2 notice under Chapter 985.

(4) Contents of Notice. The notice shall state the purpose, date, time and place for the meeting.

1.04 ELECTED OFFICIALS.

Election of Town Supervisors shall be staggered so that no more than two (2) Supervisors are elected at any annual spring election. The Town Chairperson shall be elected in accordance with the provisions of Chapter 60. No person not an elector of the town shall hold any town office.

1.05 ASSESSOR.

(1) Appointment. The Town Board shall appoint the Town Assessor and set the Town Assessor's salary.

(2) Recurring Expenses. The Town Clerk/Treasurer or Deputy Town Clerk/Treasurer shall be authorized to pay recurring expenses of the Town of Freedom, as they come due between regularly scheduled Town Board meetings, including, but not limited to: payroll and related payroll taxes, retirement contributions or other payroll deductions; utility bills; and credit card statements. The Town Clerk shall include all items paid pursuant to this resolution on the list of vouchers and direct deposits for ratification by the Town Board at its regularly scheduled meeting.

(3) Nominal Overpayments.

(a) For purposes of this section a "Nominal Overpayment" shall be the overpayment of any tax, fee, or other obligation to the Town in an amount which does not exceed $5.

(b) As an administrative convenience the Town shall retain any Nominal Overpayment and shall not process a refund of the same absent appropriate demand for refund by the payer of the overpayment.

(c) A Nominal Overpayment retained by the Town pursuant to the provisions of this section shall be credited to the general fund.

1.055 TOWN CLERK.

The Town Board shall appoint the Town Clerk and set his/her salary.

1.06 LEGAL ADVICE, OTHER HELP.

The Town Board is empowered to procure legal advice when needed in the conduct of town affairs and employ counsel for that purpose; also such stenographic, clerical and expert help as may from time to time be necessary in the conduct of the affairs of the town and the promotion of the financial welfare; to enter into the necessary contracts for the performance of such services; and to determine the qualifications, including the residence of the persons so employed.

1.07 BOARD OF REVIEW.

The Board of Review of the Town of Freedom shall be composed of the supervisors and by an elector of the Town of Freedom. The Board of Review shall have the duties and powers prescribed by State Statute 70.46 and 70.47.

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

(2) Exceptions. An officer may make disclosure of such information under the following circumstances:

a. The assessor has access to such information in the performance of his/her duties;
b. The board of review may review such information when needed, in its opinion, to decide upon a contested assessment;
c. Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
d. The officer is complying with a court order;
e. The person providing the income and expense information has contested the assessment level at either the board of review or by filing a claim for excessive assessment under Sec. 74.37, in which case the base records are open and public.

(3) Board Composition. The vacancy on the Board of Review, created by the statutory prohibition of appointed Town Clerks from serving on the Board of Review under Section 70.46(1m)(a) of the Wisconsin Statutes, shall be filled by Town resident Barbara M. Seegers.

1.075 Ordinance to Establish Procedures and Criteria for Allowing Alternative Forms of Sworn Testimony at Board of Review (BOR) Hearings. ***[Amended 02-25-2015 by Ord. No. 15-04]***

Whereas, sec. 70.47(8), Wis. Stat. authorizes the board of review to consider requests from a property owner or the property owner's representative to appear before the board under oath by telephone or to submit written statements under oath to the board of review;

Now Therefore the Town Board of Town of Freedom, Outagamie County does ordain as follows:

1. PROCEDURE:

In order for a property owner or property owner's representative to submit a request to testify by phone or submit a sworn written statement, he or she must first comply with the following procedures: a) the legal requirement to provide notice of intent to appear at BOR must be satisfied; and b) an Objection Form for Real Property Assessment (PA-115A) must be completed and submitted to the BOR as required by law.

After the two requirements outlined above have been met, a Request to Testify by Telephone or Submit a Sworn Written Statement at Board of Review (Form PA-814) may be submitted to the town clerk. Such requests must be submitted in time to be considered by the board at the first meeting of the BOR.

2. CRITERIA TO BE CONSIDERED

The board may consider any or all of the following factors when deciding whether to grant or deny the request:

a. The requester's stated reason(s) for the request as indicated on the PA-814

b. Fairness to the parties

c. Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring such testimony

d. Ability to cross examine the person providing the testimony

e. The BOR's technical capacity to honor the request

f. Any other factors that the board deems pertinent to deciding the request

CHAPTER 2

PUBLIC RECORDS

2.01 <u>DESIGNATION OF PUBLIC RECORDS</u>. The Town of Freedom recognizes and designates all of its records as defined by Wis. Stats. 19.32(2) as public records and documents subject to release, inspection and reproduction as required by law.

2.02 <u>DESIGNATION OF THE OFFICIAL LEGAL CUSTODIAN OF THE RECORDS OF THE TOWN OF FREEDOM</u>.

(1) <u>Custodians</u>. The Town Board designates the following individual as the official legal custodian of the public records of the Town:

Town Treasurer Alternate Deputy Town Treasurer	All Tax Records
Assessor Alternate - Town Clerk	Assessment Records
Town Clerk Alternate – Deputy Town Clerk Police Chief Alternate-Appointed Officer in Charge	All Other Administrative Records

(2) <u>Responsibility</u>. It shall be the responsibility of the individual in the position of legal custodian to execute all duties and responsibilities of the Town pursuant to Wisconsin's Public Records and Property Law. In his/her absence, the alternate shall fulfill the duties of legal custodian. As the official legal custodian of the records of the town, the individual in this position shall be responsible to the Town for the timely response to any request for access to the public records of the Town. The custodian shall be solely responsible for the release of the public records, the conditions under which records may be inspected, and the collection of costs for the location or reproduction of said records.

2.03 <u>POWERS OF THE OFFICIAL LEGAL CUSTODIAN OF THE RECORDS OF THE TOWN OF FREEDOM</u>.

(1) <u>Requests</u>. All requests for the release, inspection and/or reproduction of public records of the Town shall be directed or referred to the Town's official legal custodian of said records.

(2) <u>Power</u>. The official legal custodian is hereby vested with full legal power to make all necessary decisions relative to the release, inspection and reproduction of public records and is further granted all authority necessary to carry out all duties and

responsibilities required by either the Wisconsin Public Record and Property Law (Sec. 19.31-19.32 Wis. Stats.) or this ordinance.

2.04 PROCEDURE FOR THE RELEASE. INSPECTION AND REPRODUCTION OF RECORDS AND PROPERTY OF THE TOWN OF FREEDOM.

(1) Policy. Any public record of the Town of Freedom will be made available for inspection by contacting the legal custodian during posted office hours and an appointment made. No original public records of the Town shall be removed from the possession of the official legal custodian. The official legal custodian shall be responsible for designating where, when and how the public records of the Town may be inspected and copied.

(2) Procedure.

(a) After the receipt of any written request for access to the public records of the Town the official legal custodian will attempt to make such records available as soon thereafter as practical. In any event, every request shall be responded to within five working days.

(b) If a request is denied, it will be denied in writing, not later than five working days after the request has been made. If a public record cannot be made available within five working days, the official legal custodian will inform the requestor when the record can be made available.

(c) If the official custodian determines that portions of any records requested contain information which should not be released, the custodian will edit such records to remove the material not to be released and thereafter release the balance of the document.

(d) Any request for computer records of the Town will be referred by the official legal custodian to the individual in charge of the equipment to determine the cost of any computer search, printing charges and possible time available on the machine. Since computer time can be expensive, computer information will not be provided until the person requesting the information is informed of the estimated costs, and agrees to pay for retrieval of the records.

(e) It is the general policy of the Town that the legal custodian will not respond to oral requests for records of the Town and, therefore, all requests for any records of the Town must be submitted in writing to the official legal custodian. It is not necessary that any person requesting access to the records of the Town identify himself or herself in order to obtain a record, nor need any person requesting access to the records of the Town state any reason for his or her request.

(f) Any written requests for a record must reasonably describe the record or information sought. If the official legal custodian cannot reasonably determine

what records or information are being requested, the request shall be denied in writing and the reason for the denial shall be stated in the written denial.

2.05 FEES.

(1) Copies. Any person shall have not only the right to inspect the records of the Town but also the right to receive a reproduction of such records. In the event that a person files a written request for reproduction of any of the records of the Town that person shall be informed of the costs of locating and reproducing such records. Fees shall be charged relative to the costs of locating and producing any records of the Town.

(2) Cost of Locating Documents.

(a) Most of the Town of Freedom's records are readily available or can be located in a relatively short period of time. There will be no fee imposed upon any person who requests a record if the cost of locating that record does not exceed $5.00.

(b) Some of the records of the Town are in off-site storage, archived, not on-line on the town's computer, or otherwise not immediately available. In those cases where a record is not readily available for whatever reason and where it appears that the cost of locating a record will exceed $10.00, the official legal custodian will seek the prior written approval of the requestor before proceeding. In addition, the custodian will endeavor, but will not be required, to provide an estimate of the total anticipated cost for locating the record.

(c) The legal custodian will determine the cost of locating the record by using the hourly rate of $25.00 per hour for employees involved in attempting to locate the record.

(3) Reproduction Expenses.

(a) Cost of making photographic copies of records where equipment is available shall be established by the Town on an annual basis.

(b) Cost of reproduction of records where equipment is not available within the Town shall be as follows:

1. If equipment necessary for any reproduction is not available within the Town, the Town will rent whatever equipment is necessary to perform the function and will bill the requestor for such rental fee. The cost charge will be the actual cost paid by the Town to the third party vendor.

2. Items in such a situation would include, but would not be limited to, audio or video tape reproduction equipment, microfilm or fiche or ultrafiche reproduction equipment, assorted computer hardware and software.

3. The actual cost to the Town of the tape or other medium used for reproduction shall also be paid by the person making the request.

(3) Disputes. The official legal custodian of the records of the Town shall report any disputes which arise under this fee schedule to the Town Board and shall recommend to the Town Board such modifications and revisions as he deems necessary.

(4) Payment of Fees.

(a) The official legal custodian of the records of the Town of Freedom may require the payment of costs provided herein in advance.

(b) The official legal custodian of the records of the Town of Freedom may, in his/her sole discretion, elect to waive the imposition of the cost provided for herein.

2.06 INDEMNIFICATION OF THE OFFICIAL LEGAL CUSTODIAN OF THE RECORDS OF THE TOWN OF FREEDOM.

Any costs or fees incurred by the official legal custodian of the records of the Town shall be directly reimbursed by the Town to the custodian and shall not be treated as the personal liability of the custodian.

2.07 RECORD PRESERVATION.

The records of the Town shall be retained and preserved by the official legal custodian as required by all applicable laws and no records shall be destroyed without the prior written approval of the custodian. No record of the Town shall be destroyed after the receipt of the request for such record until after the request is granted, or until any dispute concerning the request has been completely and finally resolved.

2.08 DESTRUCTION OF OBSOLETE PUBLIC RECORDS.

(1) Records. The legal custodian may destroy records of which he/she is the legal custodian and which are considered obsolete, provided that at least a sixty day notice has been given to the historical society as required by Wisconsin Statute 19.21(4), if applicable, in accordance with the Records Retention Schedule attached as Schedule A to this Chapter.

CHAPTER 3

FIRE PROTECTION

SECTION 1 ORGANIZATION

1-1 Organization.
(1) Recognition of Department. The volunteer fire company organized under chapter 213 of the Wisconsin statutes under the title of Freedom Volunteer Fire Company, Inc., and the members of such fire organization, are hereby officially recognized as the Fire Department of the Town of Freedom, and the duty of fire fighting and the prevention of fires in the Town of Freedom is delegated to such department. Its organization and internal regulation shall be governed by the provisions of this ordinance and by such bylaws adopted by the department as are approved by the board of directors, and the department members, except as is provided by law and ordinance.
(2) Contract. The Town of Freedom has entered into a contract with the Freedom Volunteer Fire Department, Inc. for the purposes of providing fire protection and prevention services to the Town of Freedom. Said contract shall be negotiated annually for a period of three years (rolling term).

SECTION 2 MEMBERSHIP

2-1 Membership.
(1) The fire department shall be organized as consistent with the bylaws of the organization.

SECTION 3 POWERS AND DUTIES

3-1 Duties of Chief.
(1) Enforcement. The Chief of the department shall enforce all fire prevention ordinances of the Town of Freedom and the state laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods and on activities of the department. For additional information on inspection and enforcement see *Sub-section 4-1 Fire Inspection*
(2) Authority. In matters of fire prevention and protection, the Fire Chief or authorized designees retain the authority to rescind, deny or have removed any permits issued by the Town of Freedom for cause if in their opinion the continuance of the permitted operations constitutes an undue hazard to the safety, health and well being of the citizens and visitors of the Town of Freedom.

3-2 Police Power of Department.
(1) Police Authority. The Fire Chief, Assistant Chiefs or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the department may cause the arrest of any person failing to give the right-of-way to the fire department in responding to a fire.

(2) Fireground Authority. The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and law enforcement personnel and those admitted by order of any officer of the department, shall be permitted to come. The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire, the Chief shall have the power to order the removal or destruction of any property necessary to prevent the further spread of the fire. The Chief shall also have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the department during the progress of the fire.
(3) Firefighters may Enter Adjacent Property. It shall be lawful for any firefighters while acting under the direction of the Fire Chief or other officer in command to enter upon the premises adjacent to or in vicinity of any building or other property then on fire for the purpose of extinguishing such fire an in case any person shall hinder, resist or obstruct and firefighter in the discharge of their duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.

SECTION 4 FIRE PREVENTION AND INSPECTION

4-1 Fire Inspection.
(1) Authority of Fire Chief.
(a) As prescribed in s. 101.14 (2) (a), Wisconsin Statutes, and Wisconsin Administrative Code COMM 14.02 (1) the Fire Chief of the department is constituted as a duly authorized deputy of the Department of Commerce, with full authority to administer the code for the purposes of fire prevention and inspection. By this ordinance the town recognizes this authority and duly constitutes the same authority.

(b) The Chief of the department shall provide for the inspection of every public building and place of employment within their respective district, to determine and cause to be eliminated any conditions liable to cause fire, or any, violations of any law relating to fire hazards or to the prevention of fires.
(c) The Chief of the department shall provide that the inspections provided in subsection (b) shall be made at least once in each non-overlapping 6-month period per calendar year. The Chief may require more frequent inspections than required under this subdivision.
(d) The Chief of the department shall have the right to designate a sufficient number of inspectors to make the inspections under subsections (b) and (c).

4-2 Right to Enter.
(1) Access.
(a) No person shall deny the Fire Chief or duly authorized representatives of the Fire Department free access to any public assembly, industrial, institutional, multifamily (public spaces), office, or mercantile properties within the Town of Freedom at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector in the performance of their duty or refuse to observe any lawful direction given by them.

(b) If the owner or occupant denies entry, the Fire Chief or authorized representatives shall obtain a proper inspection warrant or other remedy provided by law to secure entry. No owner or occupant or person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as provided above, to promptly permit entry for purpose of inspection or examination as detailed in this chapter.

4-25 Fire Hazards.
(1) Removal of Hazard. Whenever or wherever in the Town of Freedom any inspection by the Fire Chief or by duly authorized representatives of the Fire Department reveal a fire hazard, the Chief or their representative shall serve a notice in writing upon the owner of the property giving said owner a reasonable time in which to remove or abate the hazard. In the event that the fire hazard is not corrected within the time allowed, it shall be deemed a nuisance as referenced in Section 10.02 of the Town of Freedom Ordinances. The Fire Chief or duly authorized representatives are hereby approved to have the same removed, abated or resolved by the town. The cost of such removal, abatement or mitigation shall be recovered in an action by the town against the owner of the property.
(2) Correction of Life and Safety Hazards. Whenever or wherever in the Town of Freedom any inspection by the Fire Chief or by duly authorized representatives of the Fire Department reveal an immediate threat to public life or safety, said hazard shall be immediately corrected under the direction of the Chief or their designees. Failure to resolve the hazard shall result in the immediate closing of the occupancy until such time as the hazard has been removed or abated. Reference *4-3 Vacation of Buildings. (1) Order to Close* and *(2) Closure for Public Safety.*

4-3 Vacation of Buildings.
(1) Order to Close. The Fire Chief or authorized designees are hereby empowered to close any building or structure, and order it vacated wherein violations of any regulations of this chapter are found and not abated within a reasonable time stipulated.
(2) Closure for Public Safety. Where the public is exposed to immediate danger, the Fire Chief or authorized designees are hereby empowered and directed to order the immediate closing and vacating of the building or structure.

4-4 Occupancy Permit.
(1) Occupancy Permit Required. No person shall occupy or change the occupancy of a building or structure covered under the Wisconsin Administrative Code, chapters COMM 50 through 64, or the International Building Code and National Fire Protection Association, Life Safety Codes that is or will be used for public assembly, industrial, institutional, multifamily (public spaces), office, or mercantile purposes until such building or structure has been inspected and approved by the building inspector (final building inspection if appropriate) and/or the Fire Department (initial fire inspection).
(2) Application. Owners/occupants of structures as designated in subsection (1) shall be required to give notice ten (10) business days before the anticipated occupancy date

to insure adequate time for the Fire Department to conduct an occupancy inspection and allow for the correction of any deficiencies, if noted.
(3) Notice. Notice shall be made through an application filed with the office of the Town Clerk. The Town Clerk or their designee shall then notify the Fire Department of the application. The Fire Department shall then contact the owner/occupant to arrange for suitable time for inspection.
(4) Issuance of Permit. Upon the resolution of any deficiencies observed during the Fire Department Occupancy Inspection, an Occupancy Permit will be issued to the owner/occupant by the Town of Freedom. The owner/occupant may not take occupancy of the property until all issues have been resolved and the Fire Department signs off and the Town has issued the Occupancy Permit. Failure to obtain an Occupancy Permit shall be deemed a violation of this Code.
(5) Fees. Reference of the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.
(6) Penalties. Reference of the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.

4-5 Installation Permits.
(1) Required Permits. The following installation permits shall be required in the Town of Freedom jurisdiction:

(a) Automatic fire-extinguishing systems. A permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.
(b) Fire alarm and detection systems and related equipment. A permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.
(c) Fire pumps and related equipment. A permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.
(d) Private fire hydrants. A permit is required for the installation or modification of private fire hydrants.
(e) Spraying or dipping. A permit is required to install or modify a spray room, dip tank or booth.
(f) Standpipe systems. A permit is required for the installation, modification, or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

(2) Notice. Notice for installation permits shall be made through an application filed with the Town Clerk.
(3) Application. Application for installation permits for new construction shall be made to the Town Clerk and/or the Building Inspector. Three (3) copies of plans shall be submitted to the Town Clerk and/or Building Inspector at the time of application. One copy of the submitted plans shall be forwarded to the Fire Department for their review

and retention. No equipment shall be installed or altered in a commercial building as defined in the Wisconsin Administrative Code, chapters COMM 50 through 64, or the International Building Code and National Fire Protection Association, Life Safety Codes until plans have been submitted to the Town of Freedom.
(4) Sufficient Notice. Project proponents of structures as designated in subsection (1) shall be required to give sufficient notice prior to installation to insure adequate time for the review process and to allow for the correction of any deficiencies if so noted.
(5) Design and Installation. Approved equipment shall be designed and installed in accordance with the provisions and standards of the National Fire Protection Association. The Town of Freedom shall be notified of the installation and shall arrange for a suitable inspection process to insure compliance during the installation process.
(6) Inspection. All permitted installation projects are subject to a final inspection by the Town of Freedom Fire Department before issuance of the Certificate of Occupancy. Conditions of issuing a Certificate of Occupancy are compliance with all applicable codes and provisions of the permit including certification documentation and inspections.
(7) Fees. Reference of the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.
(8) Penalties. Reference of the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.
(9) Compensation. Fire Department members involved with the final installation inspection process shall be compensated by the Town of Freedom in accordance with a schedule developed by the Town of Freedom.

SECTION 5 FIRE PROTECTION

5-1 Open Burning
(1) Intent and Purpose. This ordinance is intended to promote the public health, safety and welfare of the citizens of the Town of Freedom due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning. It is the intent and purpose of this sub-section and the following sub-sections to provide reasonable rules and recommendations for public health and safety to wit:

(a) It is recognized and found that wood smoke and other products of combustion generated through open burning are hazardous to an individual's health and may affect the health of the general public when they are involuntarily exposed to the presence of these products of combustion.
(b) Reliable scientific studies, including studies conducted by the Environmental Protection Agency (EPA) have shown that breathing wood smoke is a significant health hazard particularly to children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory functions, including asthmatics and those with obstructive airway disease.

(2) Applicability. This ordinance applies to all outdoor burning and refuse burning within the Town of Freedom except,

(a) This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances except as provided in *Sub-section 5-3 (2)*.

(b) This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in this ordinance.
(c) This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities
(d) This ordinance does not apply to bonfires, camp fires, cooking fires or other fires conducted for recreational or ceremonial purposes.

(3) General. Open burning, outdoor burning and refuse burning are prohibited in the Town of Freedom unless the burning is specifically permitted, conducted and approved in accordance with this ordinance.

(4) Definitions. The following definitions shall apply to this section:

(a) **Accelerant** – Any flammable or combustible liquid that will increase the rate of burning of a material.
(b) ~~**Agricultural** – Any land whose use is primarily for the growing of crops, timber, shrubs or trees for agricultural or commercial purposes including those lands placed in land bank or similar programs, or inactive and fallow land.~~
Agricultural — Any land located outside the boundaries of Freedom Sanitary District No. 2, who use is primarily for the growing of crops, timber, scrubs or trees for agricultural or commercial purposes including those lands placed in land bank or similar programs, or inactive and fallow land. [Ord. 16-02]

(c) **Approved Container** – An approved container shall be a container that has all openings on the sides and top covered with wire screening, the wire of which shall not be smaller than #8 wire or the meshes of which shall not be more than one (1) inch across.
(d) **Bonfire** – An outdoor fire used for ceremonial purposes. With permission of the Fire Chief a bonfire may be greater than three (3) feet across and two (2) feet in height.
(e) **Campfire** – A small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
(f) **Chamber** – For the purposes of this section, a chamber shall be regarded as enclosed when, during the time of combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gases are open.
(g) **Clean Wood** – Natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
(h) **Fuel** – Fuel for any fire identified shall only consist of dry natural wood materials, leaves or charcoal.
(i) **Open Burning or Open Fire** – The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots or similar devices associated with safety or occupational uses typically considered open flames or recreational fires

(j) **Outdoor Recreational Fires** - Any fire ignited for recreational or ceremonial purposes located in a defined area expressly designed for such purposes such as a below ground fire pit, fire ring or outdoor fireplace.

(k) **Recreational Fire/Barbecue Pit** – A below ground pit with a minimum depth of ten (10) inches. The fire pit shall be surrounded on the outside, above ground, by a non-combustible material such as concrete block or rock.

(l) **Refuse** – Any waste material except clean wood.

(m) ~~**Residential** – For purposes of this subsection, residential is defined as a group of buildings generally recognized as within the sewer district of the Town of Freedom, but shall also include any development, group of houses, plat, housing tract, subdivision, neighborhood, block, district, territory, region or zone of 1 or 2 family houses or where multiple houses, apartments, town houses or condominiums are congregated together.~~

Residential — For purposes of this subsection, "residential" is defined as any lands located within the boundaries of Freedom Sanitary District No. 1, and is further defined as land outside of the Sanitary District boundaries that contain a group of buildings, including but not limited to any development, group of houses, plat, housing tract, subdivision, neighborhood, block, district, territory, region or zone of one of two family houses or where multiple houses, apartments, townhouses or condominiums are congregated together. [Ord. 16-02]

(n) **Single-Use Permit** – A permit issued for a unique single event and based on the conditions and requirements placed upon it.

(5) Materials that may not be burned.

(a) Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The Town of Freedom will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.

(b) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

(c) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

(d) Asphalt and products containing asphalt.

(e) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(f) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(g) Rubber including tires and synthetic rubber-like products.

(h) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the State or local regulations.

(6) Authority to Prohibit Burning. The Fire Chief or their designee shall have the authority to prohibit any and all open burning when atmospheric conditions or local circumstances make such fire hazardous. No burning will be allowed if wind conditions will cause smoke, embers or other burning materials to be carried towards any building or other combustible material, nor anytime the wind is in excess of ten miles per hour (10 mph) as measured by the National Weather Service.

(7) Authority to Order Burning Discontinued. The Fire Chief or their designee is authorized to require any fire to be immediately discontinued if determined that the smoke emissions are offensive to occupants of the surrounding properties or if the fire is determined to constitute a hazardous condition.

(8) Burning in a Public Right-of-way. No permit shall be granted for open burning in a public right-of-way, alley or other public thoroughfare.

(9) Exempt Fires.

(a) Fires for the purpose of training of the Freedom Volunteer Fire Department shall be exempted from the requirements described within this section.
(b) Fires for the purposes of wildlife rehabilitation shall be exempted from the requirements described within this section subject to any terms or conditions deemed appropriate by the Fire Chief. Notification must be given to the Fire Department prior to initiating such fires.
(c) The Fire Chief and the Freedom Volunteer Fire Department retains sole authority to determine approval of any and all such fires.

5-2 Burning of Trash, Rubbish or Garbage.

(1) Burning of Garbage. No person shall burn trash, rubbish, garbage, rubber or rubber products, asphaltic type materials, construction debris, cardboard or any other related materials which create, by such burning, a smoke or odor nuisance within the town.

(2) Operation of Burners Prohibited. No person shall build, maintain or allow to be operated or maintained on premises controlled by them any outside incinerator, waste burner, refuse burner, trash burner or other similar appliance unless permitted by the Town of Freedom and approved by the Fire Chief or a duly authorized representative.

(3) Permits. Application for permits shall be made to the Town Clerk with conditional approval by the Fire Department if such burners or incinerators meet established guidelines for safety, emissions and use.

(4) Fees. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.

(5) Penalties. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.

(6) Recovery of Expenses. In addition, the Town of Freedom may charge for fire suppression activities as herein provided under Town of Freedom Municipal Ordinance plus the cost of removal of such materials or products including reasonable attorney fees.

5-3 Open Burning – camp fires, fire-pits, bonfires and ceremonial fires for Recreation.

(1) Prohibited Burning.

(a) The burning of trash, garbage, straw, hay, grass or grass clippings, leaves, treated or painted lumber, pyrotechnic or explosive materials, pine boughs, Christmas trees, or other offensive, flammable, combustible or explosive materials is strictly prohibited.
(b) Fuels for open burning shall consist of dry materials only and shall not be ignited with flammable or combustible liquids or other forms of accelerants.

(2) Prohibited Use. The use or operation of a camp fire, bonfire or other open fire intended for recreational or ceremonial purposes in lieu of a residential burning permit shall be deemed a violation of this ordinance subject to penalties as set forth.

(3) Open Flame Cooking Devices and Charcoal Burners Banned on Balconies. No charcoal burners and other open-flamed cooking devices shall be kindled or maintained on combustible balconies or within ten (10) feet of combustible patios on ground floors with the exception of single family dwellings.

(4) Penalties. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.

(5) Recovery of Expenses. In addition, the Town of Freedom may charge for fire suppression activities as herein provided under Town of Freedom Municipal Ordinance plus the cost of removal of such materials or products including the cost of prosecution and the recovery of reasonable attorney fees.

5-4 Burning of Grass, Weeds, Crops, or other Vegetative Debris on Agricultural Lands.

(1) Permitted Burning. No person shall set fire to any grass, weeds, crops, brush, tree tops or similar combustible material on agricultural lands within the Town of Freedom except as provided herein without first obtaining a permit from the Town Clerk. Such permit shall state the name and address of the person applying for the permit, the location of the requested burn, and shall set forth the terms and conditions of the permissible fire.

(2) Agricultural Defined. Any land whose use is primarily for the growing of crops for agricultural purposes as defined above and including those lands placed in land bank or similar programs, or inactive and fallow land.

(3) Single Use Permit. The permit shall be a single use permit limiting the owner, occupant or authorized agent to the burning of agricultural lands as defined within this subsection provided the permittee complies with all the requirements of the Fire Department with respect to the setting and control of the fire. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.

(4) Permitted Uses. This ordinance does not permit multiple fires on the property or premises, nor does it permit burning on multiple days. Additional burning requires a unique and separate permit subject to the terms and conditions set forth.

(5) Requirements. The requirements for permitted agricultural burning are as follows

(a) The single use permit issued under S*ub-section 5-4 (3)* shall authorize a one time open burning of agricultural land for the purposes of clearing the land of grasses, weeds, crops or other vegetation as defined in this Code. Burning shall only be permitted between the hours of 4:00 p.m. and 9:00 p.m. The fire must be attended to at all times. Burning is subject to conditional approval and requirements as imposed by the Fire Chief.

(b) The permit shall be valid for the specific location designated and cannot be transferred to other lands or areas under the control of the owner, occupant or authorized agent.

(c) No open burning of agricultural lands will be allowed within three hundred (300) feet of any established residential or commercial area within the town as defined in this Code

(d) No open burning of agricultural lands will be allowed within fifty (50) feet of any building, structure or stored or piled combustible materials whether or not under the direct control of the owner, occupant or authorized agent.

(e) Due regard will be given to wind direction so as to not create a hazardous condition whereby the products of combustion will substantially impair the vision of motorists or otherwise restrict the free movement of vehicles or traffic.

(f) No fire shall be started unless there are favorable conditions for burning with regard to wind direction and speed. No fire shall be started at a time when the wind speed exceeds ten (10) mph as measured by the National Weather Service. Open burning shall be prohibited when such atmospheric conditions exist that would cause the smoke from open burning to stagnate such as an inversion or extremely high humidity.

(g) Fuel for open burning shall consist of dry materials only and shall not be ignited with flammable or combustible liquids.

(h) The burning of materials shall constantly be attended and supervised by a competent individual at least eighteen (18) years of age until such fire is extinguished. The attending person shall have the permit readily available and shall offer it for review to the Freedom Police Department, Outagamie Sheriff's Department or other authorized representatives of the Town of Freedom.

(i) Reasonable accommodations shall be made for the safe control and extinguishment of the permitted fire including the establishment of fire breaks, fire lanes or other recognized methods used for the control of, or spreading of fire.

(j) The permittee shall be required to notify the Office of the Town Clerk during normal business hours no more than two (2) days prior to the anticipated burning date and no less than one (1) day prior to the burn date.

(k) The permittee shall be required to contact the Outagamie County Sheriff's Office Non-Emergency Number prior to the start of the burn and once again at the completion of the burn. The permittee should be prepared to give the street address where the burn shall take place or the approximate location including appropriate cross roads or streets.

(l) If local conditions or circumstances dictate, burning may be temporarily banned until conditions are more favorable. Local conditions or circumstances include, but are not limited to, thermal inversions, ozone alerts and very dry or windy conditions. If local conditions or circumstances dictate that burning be temporarily banned, the single use permit will remain valid until such time that conditions improve. This does not release the permittee from notifying the Town Clerk of the next anticipated burning date.

<u>(6) Failure to Extinguish.</u> It is a violation of this Code to set a fire or assist in setting a fire, including a back fire, on any lands and failing to totally extinguish the fire before leaving it

(7) Allowing Fire to Escape. It is a violation of this Code to set a fire or assist in setting a fire, including a back fire, on your land or land under your control and to allow the fire to spread beyond that area under your control.
(8) Negligent Handling of Burning Material. It is a violation of this Code to handle burning material in a highly negligent manner that creates an unreasonable risk, high probability of death or bodily harm for another person, or serious damage to another's property.
(9) Authority to Order Burning Discontinued. The Fire Chief, duly authorized officers of the Fire Department, or members of the Freedom Police Department are authorized to require any fire to be immediately discontinued if determined that the smoke emissions are offensive to occupants of the surrounding properties or if the fire is determined to constitute a hazardous condition.
(10) Penalties. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.
(11) Recovery of Expenses. Any person, firm, or corporation who sets fire on any land and allows it to spread beyond the confines of the permitted area shall be liable for all expenses incurred in the suppression of the fire by the Town and the Fire Department in which the fire occurred. In addition, the Town of Freedom may charge for fire suppression activities as herein provided under Town of Freedom Municipal Ordinance plus the cost of removal of such materials or products including the cost of prosecution and the recovery of reasonable attorney fees.
(12) Civil Liability for Damages. Any person whose property is injured or destroyed by fires may recover, in a civil action, the value of buildings, structures, appurtenances, stored or stacked materials and equipment, timber, young forest growth, or any other damages suffered, from persons causing such fires.

5-5 Burning Leaves, Brush, Clean Wood and other Vegetative Debris in Residential Areas.
~~(1) Permitted Burning. No person shall set fire to any grass, leaves, brush or similar combustible material within a residential area in the Town of Freedom except as provided herein without first obtaining a permit from the Town Clerk. Such permit shall state the name and address of the person applying for the permit and shall set forth the terms and conditions of the permissible fire. Burn piles shall be no larger than 3'x3'x4'.~~
~~(2) Residential Defined. For purposes of this subsection, residential is defined as a group of buildings generally recognized as within the sewer district of the Town of Freedom, but shall also include any development, plat, housing tract, subdivision, neighborhood, block, district, territory, region or zone of 1 or 2 family houses or where multiple houses, apartments, town houses, condominiums are congregated together.~~
~~(3) Single Use Permit. The permit shall be a single use permit limiting the owner or occupant to a one time burning of the stated combustible materials provided the permittee complies with all the requirements of the Fire Department with respect to the setting, control and extinguishment of the fire. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.~~
~~(4) Permitted Uses. This ordinance does not permit multiple fires on the property or premises, nor does it permit burning on multiple days. Additional burning requires a unique and separate permit subject to the terms and conditions set forth. Reference the~~

~~Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.~~

~~(5) Requirements. The requirements for permitted residential burning are as follows~~

~~(a)The single use permit issued under *Sub-section 5-5 (3)* shall authorize burning between the hours of 4:00 p.m. and 9:00 p.m. daily, subject to conditional approval and requirements as imposed by the Fire Chief.~~

~~(b) The size of the pile of materials to be burned shall not exceed three (3) feet by three (3) feet by four (4) feet high unless a larger size is authorized by the Fire Chief or their designee and shall only consist of dry leaves, grass, brush, and combustible garden debris.~~

~~(c) The pile of materials being burned shall be at least fifty (50) feet from any structure, wood or lumber pile, wooden fence, trees or bushes or other combustible materials, and provisions shall be made to prevent the fire from spreading to within fifty (50) feet of such items.~~

~~(d) Fuel for open burning shall consist of dry materials only and shall not be ignited with accelerants, flammable or combustible liquids.~~

~~(e) The burning of materials shall constantly be attended and supervised by a competent individual at least eighteen (18) years of age until such fire is extinguished. The attending person shall have the permit readily available and shall offer it for review to the Freedom Police Department, Outagamie Sheriff's Department or other authorized representatives of the Town of Freedom.~~

~~(f) Reasonable accommodations shall be made for the safe control and extinguishment of the permitted fire by establishing a water supply (typically a garden hose) with sufficient enough volume and reach to safely extinguish or control the fire.~~

~~(g) The permittee shall be required to notify the Office of the Town Clerk during normal business hours no more than two (2) days prior to the anticipated burning date and no less than one (1) day prior to the burn date.~~

~~(h) If local conditions or circumstances dictate, burning may be temporarily banned until conditions are more favorable. Local conditions or circumstances include, but are not limited to, thermal inversions, ozone alerts and very dry or windy conditions. If local conditions or circumstances dictate that burning be temporarily banned, the single use permit will remain valid until such time that conditions improve. This does not release the permittee from notifying the Town Clerk of the next anticipated burning date.~~

~~(6) Authority to Order Burning Discontinued. The Fire Chief or Police Chief or their designees are authorized to require any fire to be immediately discontinued if determined that the smoke emissions are offensive to occupants of the surrounding properties or if the fire is determined to constitute a hazardous condition.~~

~~(7) Penalties. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.~~

~~(8) Recovery of Expenses. In addition, the Town of Freedom may charge for fire suppression activities as herein provided under Town of Freedom Municipal Ordinance plus the cost of removal of such materials or products including the cost of prosecution and the recovery of reasonable attorney fees.~~

(1) Burning Prohibited. No person shall set fire to any grass, leaves, brush or similar combustible material within a residential area in the Town of Freedom.
(2) Residential Defined. For purposes of this subsection, a "residential area" is defined consistent with the definition set forth in Section 5-1(4)(m) above.
(3) Penalties. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.
(4) Recovery of Expenses. In addition, the Town of Freedom may charge for fire suppression activities as herein provided under Town of Freedom Municipal Ordinance plus the cost of removal of such materials or products including the cost of prosecution and the recovery of reasonable actual attorney fees. [Ord. 16-02]

5-6 Hazardous Materials Response.
(1) Prohibited Discharges. No person, firm or corporation shall discharge or cause to be discharged, leaked, leached, or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Town, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.
(2) Containment, Cleanup and Restoration. Any person, firm, or corporation in violation of the above section shall, upon direction of any Fire Department Officer, begin or shall contract to have the substance immediately contained, cleaned and removed to an approved depository the offending material(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm, or corporation fail to engage the necessary personnel and equipment to comply or to complete the requirements of this section, the Director of Emergency Government or the Fire Chief may order that required actions to be taken by public or private sources, and allow the recovery of any and all costs incurred by the Town of Freedom as an action imposed by the Town of Freedom.
(3) Emergency Services Response. Includes, but is not limited to: Fire Service, Emergency Medical Services, and Law Enforcement. A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for the reimbursement to the responding agencies for the actual and necessary expenses incurred in carrying out their duties under this ordinance. Actual and necessary equipment may include, but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agency's medical advisor.
(4) Site Access. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Fire Department officers and staff, and to the

Town of Freedom Police Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup, and restoration activities.

(5) Public Protection. Should any prohibited discharge occur which threatens the life, safety or health of the public at, near or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Fire Chief, Fire Department officers or any police official on the scene of the emergency may order an evacuation of the area or take appropriate steps for a period of time until the Town Board and Emergency Government can take appropriate action.

(6) Enforcement. The Fire Chief or their designees, as well as the Town of Freedom Police officers, shall have the authority to issue citations or complaints under this section.

(7) Civil Liability. Any person, firm, or corporation in violation of this Section shall be liable to the Town of Freedom for any expenses incurred by the Town or loss or damage sustained by the Town by reason of such violations.

(8) Recovery of Expense. In addition, the Town of Freedom may charge for reasonable expenses including fire suppression, stand-by, mitigation, containment, clean-up and decontamination activities as herein provided under Town of Freedom Municipal Ordinance plus the cost of removal of such materials or products including the cost of prosecution and the recovery of reasonable attorney fees.

(a) Hazardous Conditions, Extrication Activities and General Accident Clean-up on Town Roads.
    1. For hazardous conditions, vehicle fires, extrication activities, general accident clean-up on town roads involving fluids and debris, which left alone would be constituted a hazard:
        a. The individual or party found or determined to be at fault shall be assessed a fee by the Town of Freedom to recover the cost of response including such response as to preserve the safety of the emergency responders, victims, clean-up crews or any others involved in the mitigation of the incident. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Fees.
        b. Furthermore, the Freedom Volunteer Fire Department shall be authorized to bill the Town of Freedom, by invoice, the costs of any equipment or materials used in the resolution or general clean-up of the incident.

(b) Hazardous Conditions and General Accident Clean-up on State or County Highways.
    1. For hazardous conditions, vehicle fires, extrication activities and general accident clean-up on town roads involving fluids and debris, which left alone would be constituted a hazard:
        a. The individual or party found or determined to be at fault shall be assessed a fee by the Freedom Fire Department as set forth in s. 60.557(1) Wisconsin State Statute to recover the cost of response including such response as to preserve the safety of the emergency responders, victims, clean-up crews or any others involved in the mitigation of the incident.
        b. Furthermore, the Freedom Volunteer Fire Department shall be authorized to bill the individual or party found or determined to be at fault, by invoice,

the costs of any equipment or materials used in the resolution or general clean-up of the incident.

(9) Penalties. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties.

5-8 Fire Equipment.

(1) Fire Equipment, Appurtenances and Devices.

(a) No person shall molest, tamper with, damage or otherwise disturb any apparatus, equipment, or appurtenance belonging to or under the supervision and control of the Fire Department without authority from the Chief or authorized representative.

(b) No person shall remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of this Code, except for the purpose of extinguishing fires, training purposes, recharging or making necessary repairs or when permitted by the Fire Department. Whenever a fire appliance is removed as permitted under the provisions of this code, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished.

(c) No person shall use or operate any hydrant or other valves installed on any water system intended for use by the Fire Department for fire suppression purposes, and which is accessible to any public highway, alley or private way open to or generally used by the public, unless such person first secures permission from the Fire Department. This section does not apply to the use of a hydrant or other valves by those specifically authorized with the care and maintenance of the water system which supplies water to such hydrants or other valves.

(d) No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material near any fire hydrant, Fire Department connection or fire protection control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the Fire Department from gaining immediate access to the equipment or hydrant. A minimum of three (3) foot clearance shall be maintained around the circumference of the fire hydrants except as otherwise required or approved by the Fire Chief.

(e) On-site fire hydrants are required on any commercial, mercantile, industrial, institutional property as defined by the Wisconsin Enrolled Building Code when any portion of the facility or building is more than four hundred (400) feet from any fire hydrant on a fire apparatus road, public thoroughfare or all-weather hard surface as measured by a fire department approved route around the exterior of the facility or building. The purpose of the on-site fire hydrant is to provide a minimum water supply for reactive fire operations and to support fire sprinkler systems, if installed. The water mains and hydrants become the property of the owners after installation.

(f) Where on-site hydrants are required on private property, it is the property owner’s responsibility to flush and maintain the hydrants. All maintenance shall be done in accordance with National Fire Protection Association Standard 25, the

Town's standard operating procedures and American Water Works Standards for fire hydrant maintenance.

(g) The property owner or agent shall keep and maintain records indicating when the hydrants are flushed, painted and maintained. These records shall be made available to the Town or authorized representatives of the Fire Department upon request.

5-9 False Alarms.

(1) False Alarms. No person shall give a false alarm to any public official or employee, member of the Fire Department, whether by means of a fire alarm or otherwise, nor shall any person interfere with the proper functioning of a fire alarm system, nor shall any person interfere with the lawful efforts of firefighters to extinguish a fire.

(2) Response Fee Established. s 60.55(2)(b), Wisconsin Statutes, provides that the Town Board may charge the user of any private alarm system which upon activation elicits a response from the Fire Department shall be subject to the following answering fee for each alarm in a consecutive twelve (12) month period. The fee will be assessed to the owner of the property if it is determined that the alarm was discharged falsely, accidentally, or by negligence, including lack of maintenance.

(3) Fee Schedule. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Fees and Penalties.

5-10 Fire Apparatus Access Roads.

(1) Access Roads. Fire apparatus, all weather hard surfaced access roads capable of supporting the load of fire apparatus, shall be provided for all buildings which are set back more than one hundred fifty (150) feet from a public road or exceed thirty (30) feet in height and are set back more than fifty (50) feet from a public road.

(2) Fire Lanes. Fire lanes shall be at least twenty (20) feet in width with the road edge closest to the building at least ten (10) feet from the building and have a minimum of thirteen (13) feet six (6) inch clearance. Any dead-end road more than three hundred (300) feet long shall be provided with a turnaround at the closed end.

(3) Use and Maintenance. The designation, use and maintenance of fire lanes on private property shall be accomplished as specified by the Fire Chief or hid designees. It shall be unlawful for any person to park motor vehicles on or otherwise obstruct any fire lane.

(4) Marking of Fire Lanes. When required, fire apparatus access roads shall be marked with permanent NO PARKING FIRE LANE signs. Signs shall have a minimum dimension of twelve (12) inches wide by eighteen (18) inches high having red letters on a white background.

(5) Enforcement. The Fire Chief or their designee shall have the authority to issue complaints under this section. The Town of Freedom Police shall have the authority to issue citations and/or complaints under this section. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Fines and Forfeitures.

(6) Alternate Systems. When conditions prevent the installation of an approved fire apparatus access road, the Fire Chief may permit the installation of a fire protection system in lieu of a road, provided the system, or systems, is not required by any other aspect of the code.

(7) Exemption. This section shall not apply to private residences or garages unless a multifamily dwelling contains more than two living (2) units.

5-11 Fire Hydrant Color Coding.

(1) Color Code.

(a) Hydrants supplied by the town water system, will have the barrels of he fire hydrant painted yellow.
   1. Hydrants with a tested gallons per minute (GPM) of 500 or less shall have the hose caps painted red.
   2. Hydrants with a tested gallons per minute (GPM) of 501 - 1000 shall have the hose caps painted orange.
   3. Hydrants with a tested gallons per minute (GPM) of 1001 – 1500 shall have the hose caps painted green.
   4. Hydrants with a tested gallons per minute (GPM) of 1501 or more shall have the hose caps painted blue.

(b) Private fire hydrants shall have the hydrant barrel painted red and the hose caps painted the corresponding gallons per minute rated capacity.

(c) Private fire hydrants that are supplied by a fire protection system fire pump shall have the barrel and hose caps painted blue.

(d) Exact paint brand and color name and number shall be coordinated through the Town water utility.

5-12 "Knox" Key Lock Boxes

(1) Accessibility. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or fire fighting purposes, the Fire Chief may require a key lock box to be installed in an accessible location. The key lock box shall be a type approved by the Fire Chief and shall contain keys to gain necessary access as required by the Fire Chief.

(2) New Construction. Except as herein provided any new construction started after this ordinance becomes effective and whose intended use or purpose is for manufacturing, industrial, mercantile/commercial, assembly, educational, multifamily dwelling units, day care, storage facilities or any building or facility containing quantities of hazardous materials which would require compliance with Title III of SARA (Superfund Amendment Reauthorization Act) shall install a key lock box prior to the final inspection and granting of an occupancy permit.

(3) Exception. This section shall not apply to private residences or garages unless a multi-family dwelling contains more than two living (2) units.

(4) Existing Buildings. Where an existing building is expanded or remodeled, and the building as remodeled or expanded is of a size, a type, or a use which, were the building then to be constructed, would be subject to the provisions in *Sub-section 5-13 (2)*, the following subsections shall apply:

(a) The building shall be made to conform to the requirements of *sub-section 5-13 (2)* if more than 50% of the gross interior area of the building is remodeled or added to the building.

(b) The requirements of *Sub-section 5-13 (2*) need not be satisfied if less than 50% of the gross interior of the building is remodeled or added to the building, unless such remodeling, or expansion creates additional dwelling units.
(c) In determining the foregoing percentages successive additions, expansions, or remodeling, if made within a period of two (2) years shall be considered aggregated and treated as a single expansion or addition.

(5) Sale or Transfer of Property. At any time any commercial property as described in *Sub-section 5-13 (2)*, located in the Town of Freedom is sold, transferred, or conveyed, the building shall be made to conform to the requirements of the subsection described hereinabove.

(6) Type Designate. The Fire Chief shall designate the type of key lock box system to be implemented within the town.

(7) Installation and Location.

(a) All "Knox" key lock boxes and/or Knox Locking Vaults shall be recess mounted into the building or structure not less than six (6) feet above the surface grade level, and not more than eight (8) feet above the surface grade level for new construction.
(b) For existing construction the key lock box may be surface mounted.
(c) All key lock boxes shall be located in the vicinity of the main entrance to the building or structure, or at a location agreed to by the Fire Chief.

(8) Penalties. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Fees and Penalties.

SECTION 6 ADOPTION OF CODES AND STANDARDS

6-1 Codes and Standards.

(1) Adoption by Reference. The State codes listed in this section are hereby adopted by reference and made a part of the Town fire prevention code. For the purposes of this section, these provisions are adopted to enable the Fire Department to note any violations of such codes and to report those violations to the appropriate service inspectors. The fire inspectors shall have the authority to cite such violations on fire inspections.

a) Wisconsin Administrative Code Chapter COMM 14 Fire Prevention,
a) Wisconsin Administrative Code, Chapters COMM 160 to 164; General Orders on Existing Buildings,
b) Wisconsin Administrative Code Chapter COMM 16, Wisconsin State Electrical Code, Volume 2
c) Wisconsin Administrative Code Chapters, COMM 50 through 64, Building, Heating, Ventilation and Air Conditioning Code,
d) Wisconsin Administrative Code Chapter COMM 10, Flammable and Combustible Liquids Code,
e) Wisconsin Administrative Code Chapter COMM 69, Barrier Free Design
f) Wisconsin Administrative Code Chapter COMM 70, Historic Building Code
g) Wisconsin Administrative Code Chapter COMM 18, Elevator Code

(2) Enforcement.

a) The building inspector and the fire inspector shall equally share overall enforcement responsibility for the provisions of (c) and (d) above. The building inspector has the primary responsibility during construction of the building while the fire inspector has primary responsibility in matters of fire protection and prevention after the building is completed.
b) The Fire Chief shall issue the complaint while the Town of Freedom Police shall issue citations under this section.

(3) National Fire Prevention Association Code and Standards. The following editions of the National Fire Protection Codes and Standards are hereby adopted by reference and made part of the Town fire prevention code with the same force and effect as though set forth herein in full:

NFPA 11, Low Expansion Foam, 1998 Edition;
NFPA 11A, Foam Systems, Medium and High Expansion, 1999 Edition;
NFPA 12, Carbon Dioxide Extinguishing Systems, 1998 Edition;
NFPA 12A, Halon Fire Extinguishing Systems, 1997 Edition;
NFPA 13, Installation of Sprinkler Systems, 1996 Edition;
NFPA 13D, Installation of Sprinkler Systems One and Two-family Dwellings, 1996 Edition;
NFPA 13R, Sprinkler Systems, Residential Occupancies up to Four Stories in Height, 1996 Edition;
NFPA 14, Standpipe and Hose Systems, 1996 Edition;
NFPA 15, Water Spray Fixed Systems, 1996 Edition;
NFPA 16, Installation of Deluge Foam-Water Sprinkler Systems and Foam-Water Spray Systems, 1999 Edition;
NFPA 17, Dry Chemical Extinguishing Systems, 1998 Edition;
NFPA 17A, Wet Chemical Extinguishing Systems, 1998 Edition.
NFPA 24, Private Fire Service Main, 1995 Edition;
NFPA 25, Inspection, Testing and Maintenance of Water Based Fire Protection Systems, 1998 Edition;
NFPA 30, Flammable and Combustible Liquids Code, 1996 Edition;
NFPA 30A, Automotive and Marine Service Station Code, 1996 Edition;
NFPA 34, Dipping and Coating Processes Using Flammable or Combustible Liquids, 1995 Edition;
NFPA 50, Oxygen Systems, Bulk, at Consumer Sites, 1996 Edition;
NFPA 50A, Hydrogen Systems, Gaseous, at Consumer Sites, 1999 Edition;
NFPA 50B, Liquefied Hydrogen Systems at Consumer Sites, 1999 Edition;
NFPA 51B, Cutting and Welding Processes, 1999 Edition;
NFPA 69, Explosion Prevention Systems, 1997 Edition;
NFPA 72, National Fire Alarm Code, 1996 Edition;
NFPA 80, Fire Doors and Windows, 1999 Edition;
NFPA 92A, Smoke Control Systems, 1996 Edition;
NFPA 96, Cooking Equipment, Vapor Removal, 1998 Edition;
NFPA 105, Smoke-Control Door Assemblies, 1999 Edition;
NFPA 204, Smoke and Heat Venting, 1998 Edition;
NFPA 231D, Rubber Tires, Storage of, 1998 Edition;
NFPA 231F, Roll Paper Storage, 1996 Edition;

NFPA 291, Hydrants, Testing and Marking, 1995 Edition;
NFPA 329, Flammable and Combustible Liquids, Underground Leakage of, 1992 Edition;
NFPA 385, Flammable and Combustible Liquids, Tank Vehicles for, 1990 Edition;
NFPA 386, Flammable and Combustible Liquids, Portable Shipping Tanks, 1990 Edition;
NFPA 654, Chemical, Dye, Pharmaceutical, and Plastic Industries, Prevention of Fire and Dust Explosions in, 1998 Edition;
NFPA 1123, Outdoor Display of Fireworks, 1995 Edition;
NFPA 1124, Fireworks, Manufacture, Transportation, and Storage of, 1998 Edition;
NFPA 1221, Installation, Maintenance and Use of Public Service Communications Systems, 1994 Edition;
NFPA 1231, Water Supplies, Suburban and Rural Fire Fighting, 1993 Edition;
NFPA 1961, Fire Hose, 1997 Edition;
NFPA 1962, Care, Use, and Service Testing of Fire Hose Including Couplings and Nozzles, 1998 Edition;
NFPA 1963, Fire Hose Connections, 1998 Edition;

(4) Not Addressed by this Code. Any fire prevention problem not herein addressed by code or adopted standards will be addressed on the basis of current accepted National Fire Protection Association Standard.
(5) Recognition of Periodic Updates. It is recognized that NFPA codes and standards are periodically updated to reflect changing technology and operating conditions. The Town of Freedom hereby adopts the most recent code or standard as adopted by the State of Wisconsin.
(6) Conflicting Codes. In case of conflict between any provisions of the Wisconsin Administrative Code or the National Fire Code, the code containing the strictest provisions shall apply.
(7) Accessibility to Copies. A copy of the Codes incorporated by reference shall be kept at all times and available for inspection during reasonable hours in the office of the Chief.

SECTION 7 PERMITS

7-1 Permits.
(1) Purpose and Scope. The purpose of establishing permits is to provide for the safety, health and welfare of the citizens and visitors of the Town of Freedom through the application of specific standards and codes and through the regular inspection and certification of certain activities, operations, places of employment and the fire suppression and detection equipment used within these occupancies as regulated by the Wisconsin Building Code, Wisconsin Administrative Code and Wisconsin State Statutes.
(2) When Required. It shall be unlawful for any person to use a building or premises or engage in any activities for which a license or permit is required by this Code without first having obtained such a license or permit. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.
(3) List of Permits Required. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.

7-2 Temporary Special Permits.
(1) Temporary Permits. When a temporary hazardous situation is anticipated for conditions not otherwise regulated by this Code, the Fire Chief is authorized, based on applicable data, to advise the Town Clerk or their designee, to issue a temporary special permit for the duration of the hazard subject to any provisions as deemed necessary.
(2) Permit Fees. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.

SECTION 8 PENALTIES

8-1 Validity and Penalties.
(1) Validity. The provisions of this Chapter are severable; and if any provision, sentence, clause, section, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the chapter or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this chapter would have been adopted if such illegal, invalid, unconstitutional, or inapplicable provision, sentences, clauses, sections, or parts thereof had been included therein or if the persons or circumstances to which the chapter or any part thereof is inapplicable had been specifically exempted there from. (2) Establishment of Penalty. The penalty for violation of any provision of this ordinance shall be a forfeiture as hereinafter provided together with the costs of prosecution imposed or as provided in s. 102.02 (13) (a), Wisconsin Statutes.
(3) Compliance. Any person who does not comply with any lawful order of the Fire Chief or duly authorized representatives of the Fire Department issued pursuant to the provisions of this chapter shall be in violation of this chapter, and every day or fraction

thereof during which such person fails or neglects to comply with such order shall constitute a separate offense.
(4) Penalties for Non-Compliance. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.

SECTION 9 FIRE DETECTION AND SUPPRESSION SYSTEMS

(Reserved)

SECTION 10 SPECIAL EVENTS

10-1 Special Indoor or Outdoor Events.
(1) Purpose. The purpose of this ordinance is to provide for the general Life and Fire Safety during the assembly of unrelated individuals involved in Special Indoor and Outdoor events.
(2) Scope.
(a) The ordinance provides for the regulation of all picnics, festivals, fairs, carnivals, displays, trade shows, home and garden shows, building expos, concerts or music festivals, marathons, parades, street dances or similar.
(b) This ordinance applies to al special indoor and outdoor events unless regulated elsewhere within the code.
(c) The ordinance does not apply to assemblages of less than 50 unrelated individuals.
(3) Permit Required. Any person, organization, company or corporation who organizes a Special Public Event shall be required to obtain a permit from the Town Clerk.
(4) Application. Any person requiring a permit shall make an application in writing on a form provided by the Town Clerk two (2) weeks prior to the event. The application shall contain the names and addresses of the organization(s), a description of the event, the location and date(s) of the event, the number of any temporary structures that will be erected, the intended purpose of each separate structure and the dates and location where the structure(s) shall be erected, along with any other information pertinent to the granting of the permit.
(5) Site Plan. Any person, organization, company or corporation must submit a site plan prior to the event and the erection of any temporary structure(s) and shall comply with all required setbacks, clearances, exits, exit paths, emergency services access ways, parking and any other life safety considerations and requirements as deemed necessary by the Authority Having Jurisdiction and the Town of Freedom.
(6) Tents, Air Supported Structures and Membrane Structures. Any person, organization, company or corporation who erects any temporary structure, tent, air supported or membrane structure greater than two hundred (200) square feet shall be required to obtain a permit from the Town Clerk.
Exception. Tents or other similar structures erected for recreational purposes on properties of one and two family dwellings are exempt from this Code.
(7) Inspection and Occupancy Permit.

(a) Any person, organization, company or corporation who organizes a Special Public Event as defined in this Code shall contact the Fire Department for a Life and Fire Safety Inspection prior to the start of the event.

(b) The Special Event including the use of any temporary structures shall comply with the current edition of the National Fire Protection Association (NFPA), Life Safety Code.

(c) Sufficient notice shall be given to the Fire Department to conduct the occupancy inspection and allow for the correction of any deficiencies.

(d) Upon satisfactory completion of the inspection an Occupancy Permit shall be issued by the Town Clerk or their designee.

(e) Failure to comply with the requirements of the fire Department shall result in the denial of the Occupancy Permit.

(f) Use of any structures without an Occupancy Permit shall be deemed a violation of this Code.

(8) Permit Fees. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.

(9) Penalties. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for noncompliance.

SECTION 11 SOLID FUEL-FIRED OUTDOOR HEATING DEVICES, WOOD STOVES, FURNACES AND BOILERS

Section 1 Definitions.

(a) Outdoor Solid Fuel-fired Heating Device. Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for the interior space or water source.

(b) Stacks or Chimneys. Defined as any vertical structure enclosing a flue or flues that carry off smoke, exhaust or exhaust gases from a solid fuel-fired heating device; especially that part of such structure extending above a roof.

Section 2 Operation of Outdoor Solid Fuel-Fired Heating Devices Prohibited. No person shall build, maintain, or allow to be operated or maintained on a premises controlled by them any outdoor solid fuel-fired heating device or other similar appliance unless permitted and approved by the Town of Freedom or their duly authorized representatives.

Section 3 Required Permits.

(a) Installation Permit. No person shall have installed after the effective date of this ordinance an outdoor solid fuel-fired heating device without first obtaining an installation permit from the Building Inspector. Such installation shall be subject to the requirements and provisions as set forth in this sub-section and any requirements and provisions of the Town Building Code, County Ordinance, State Statute or Administrative Rule.

(b) Installation Permit for Existing Outdoor Solid Fuel-Fired Heating Devices. An installation permit will be issued to the owners of existing outdoor solid fuel-fired heating devices installed before the effective date of this ordinance upon satisfactory inspection and certification that the devices meet the requirements herein set forth under Section 4

Regulations and Section 5 *Installation Requirements*. Reference the Town of Freedom Fee Schedule for a list of Permits and Fees.

(c) Failure to comply with the aforementioned requirements shall result in the denial of the permit. Use of an existing outdoor solid fuel-fired heating device without a permit shall be deemed a violation of this ordinance. Reference the Town of Freedom Fee Schedule for a list of Penalties for non-compliance.

Section 4 Regulations.

(a) All solid fuel-fired outdoor heating devices shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and regulations, Best Practices Within the Industry, and all other applicable local, state an d federal standards.

(b) All solid fuel-fired outdoor heating devices shall be approved by the Department of Commerce through an approved testing agency.

(c) All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device meets all applicable EPA or state emission criteria.

(d) All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device is or is in the process of being registered with the Department of Commerce Boiler Division.

(e) All solid fuel-fired outdoor heating devices shall, in addition, be operated and maintained as follows:

1. Fuel shall be only natural untreated wood, or other solid fuel specifically permitted by the manufacturer such as corn or other pellets specifically designed for the solid fuel-fired outdoor heating device. The following fuels are prohibited:

a. Processed wood products other than wood
b. Petroleum in any form
c. Rubber
d. Plastic
e. Garbage
f. Painted wood or treated wood
g. Any other items not specifically allowed by the manufacturer

(f) All solid fuel-fired outdoor heating devices shall only be operated from September 1st through May 31st.

Section 5 Installation Requirements. A Solid Fuel-Fired Outdoor Heating device may be installed in the Town of Freedom in accordance with the following provisions:

(a) The solid fuel-fired outdoor heating device shall be located at least one hundred (100) feet from all exterior property lines.

(b) No solid fuel-fired outdoor heating device shall be located in a front or corner yard.

(c) The solid fuel-fired outdoor heating device shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within one hundred fifty (150) feet, the chimney shall also extend at least two (2) feet higher above the ground surface than the height of the roofs of all such residences. All chimneys greater than 15 feet above the ground shall be provided with documentation from the manufacturer specifying that the solid fuel-fired outdoor heating device will function with the increased chimney height and how the chimney shall be supported.

(d) All solid fuel-fired outdoor heating devices must be installed by contractors appropriately registered or by the owner occupied dwelling that are qualified to install the device in accordance with all codes and manufacturer's guidelines.

Section 6 Right of Entry and Inspection.

(a) The Freedom Police Department or other authorized representatives of the Town of Freedom who presents credentials may inspect or cause to be inspected any property for the purposes of ascertaining compliance with the provisions of this ordinance.

(b) Special Exception. Where the Town finds that extraordinary hardship will occur from the enforcement of this local ordinance, upon application to the Town Board, said Town Board may vary the regulations contained herein to afford substantial justice, provided that such special exception will not have the effect of nullifying the intent and purpose of this Section.

(c) Any special exceptions are not binding on previous or subsequent installations.

Section 7 Nuisance. Should any solid fuel-fired outdoor heating device permitted under this ordinance become hazardous, harmful, noxious, offensive or a nuisance to the surrounding area so that it substantially interferes with the comfortable enjoyment of life, health, or safety of another person or the public, said device may be declared a nuisance by the Police Department or other duly authorized Town representative. Reference the Town of Freedom Ordinances for the definition of nuisance. The owner shall correct, improve or abate the nuisance using whatever means are necessary in accordance with this sub-section. If the nuisance cannot be abated then operation of the device shall be discontinued until a solution to the nuisance can be found.

Section 8 Existing Outdoor Solid Fuel-Fired Heating Devices. All existing outdoor solid fuel-fired heating devices shall immediately comply with all manufacturers' specifications, specifications of this ordinance and any other building code requirements within sixty (60) days from the effective date of this ordinance. See Section 3 (b) for additional information on usage permits.

Section 9 Abandonment and Discontinuance. Any outdoor solid fuel-fired heating device permitted under this ordinance which is abandoned or not used for a period of twelve (12) consecutive months shall not be permitted to be re-established and shall be removed by the property owner from the subject premises.

Section 10 Penalties. Reference the Town of Freedom Fee Schedule for a list of Penalties for non-compliance.

Section 11 Property Owner's Assumption of All Risks. Any person responsible for lighting fires in the Town of Freedom shall assume all risks associated with such fire. Compliance with the requirements of this ordinance shall not relieve such person from the ultimate responsibility to ensure that the fire is conducted safely and appropriately with due regard for the health, safety and welfare of all persons and property potentially affected by the fire.

APPENDIX A

Presented in this format for convenience of the Town of Freedom Fire Prevention Code User**.**

The following State Statutes noted in this code are provided as reference.

(1) Section 101.01(11), Stats., "Place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade, or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s.102.04 (3), and also includes the transportation of farm products, supplies, or equipment directly to the farm by the operator of the farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.
(2) Section 101.01(12), Stats.," Public building" means any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).
(3) Section 101.61(1), Stats., "Dwelling" means any building that contains one or 2 dwelling units. "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.
(4) Section 101.971(2), Stats., "Multifamily dwelling" means an apartment building, rowhouse, town house, condominium or manufactured building, as defined in s. 101.71 (6), that does not exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling units the initial construction of which is begun on or after January 1, 1993. "Multifamily dwelling" does not include a facility licensed under Ch. 50.
(5) Section 145.01(2), Stats., "Automatic fire sprinkler system", for fire protection purposes, means an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the supply side of an approved gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. The portion of the sprinkler system above ground is a network of

specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

(6) Section 941.10, Stats., Negligent handling of burning material

(1) Whoever handles burning material in a highly negligent manner is guilty of a Class A misdemeanor.

(2) Burning material is handled in a highly negligent manner if handled with criminal negligence under s. 939.25 or under circumstances in which the person should realize that a substantial and unreasonable risk of serious damage to another's property is created.

(8) Section 941.11, Stats., Unsafe burning of buildings. Whoever does either of the following is guilty of a Class D felony:

(1) Intentionally burns his or her own building under circumstances in which he or she should realize he or she is creating an unreasonable risk of death or great bodily harm to another or serious damage to another's property; or

(2) Intentionally burns a building of one who has consented to the destruction thereof but does so under circumstances in which he or she should realize he or she is creating an unreasonable risk of death or great bodily harm to another or serious damage to a 3rd person's property.

(9) Section 943.02, Stats., Arson of buildings; damage of property by explosives.

(1) Whoever does any of the following is guilty of a Class B felony:

(a) By means of fire, intentionally damages any building of another without the other's consent; or

(b) By means of fire, intentionally damages any building with intent to defraud an insurer of that building; or

(c) By means of explosives, intentionally damages any property of another without the other's consent.

(2) In this section "building of another" means a building in which a person other than the actor has a legal or equitable interest which the actor has no right to defeat or impair, even though the actor may also have a legal or equitable interest in the building. Proof that the actor recovered or attempted to recover on a policy of insurance by reason of the fire is relevant but not essential to establish the actor's intent to defraud the insurer.

(10) Section 943.03., Stats., Arson of property other than building. Whoever, by means of fire, intentionally damages any property of another without the person's consent, if the property is not a building and has a value of $100 or more, is guilty of a Class E felony.

(11) Section 943.05, Stats., Placing of combustible materials an attempt. Whoever places any combustible or explosive material or device in or near any property with intent to set fire to or blow up such property is guilty of an attempt to violate either s. 943.01, 943.012, 943.013, 943.02, 943.03 or 943.04, depending on the facts of the particular case.

(12) Section 943.01, Stats., Damage to property.

(1) Whoever intentionally causes damage to any physical property of another without the person's consent is guilty of a Class A misdemeanor.

(2) Any person violating sub. (1) under any of the following circumstances is guilty of a Class D felony

(13) Section 943.012, Stats., Criminal damage to or graffiti on religious and other property. Whoever intentionally causes damage to, intentionally marks, draws or writes with ink or another substance on or intentionally etches into any physical property of another, without the person's consent and with knowledge of the character of the property, is guilty of a Class E felony if the property consists of one or more of the following:

(1) Any church, synagogue or other building, structure or place primarily used for religious worship or another religious purpose.

(2) Any cemetery, mortuary or other facility used for burial or memorializing the dead.

(3) Any school, educational facility or community center publicly identified as associated with a group of persons of a particular race, religion, color, disability, sexual orientation, national origin or ancestry or by an institution of any such group.

(4) Any personal property contained in any property under subs. (1) to (3) if the personal property has particular significance or value to any group of persons of a particular race, religion, color, disability, sexual orientation, national origin or ancestry and the actor knows the personal property has particular significance or value to that group.

(14) Section 943.05, Stats., Arson with intent to defraud. Whoever, by means of fire, damages any property, other than a building, with intent to defraud an insurer of that property is guilty of a Class D felony. Proof that the actor recovered or attempted to recover on a policy of insurance by reason of the fire is relevant but not essential to establish the actor's intent to defraud the insurer.

CHAPTER 4

TRAFFIC CODE

4.01	Speed Zones
4.015	Alcohol Related Offenses
4.02	Parking Restrictions
4.03	Heavy Traffic Routes
4.04	Trailer Parking
4.05	Motorbikes and Similar Vehicles
4.06	Bicycles
4.07	Abandoned Vehicles
4.08	Official Traffic Signs and Signals
4.09	Disorderly Conduct with a Motor Vehicle
4.10	Operation of Motor Vehicles In Parking Lots or on Town Owned Private Roads Within The Town of Freedom.
4.11	Traffic Emergencies
4.12	State Traffic Laws Adopted
4.13	Obstruction of Crossing by Trains
4.14	Penalty
4.15	Enforcement

4.01 SPEED ZONES.

The Town shall establish speed zones for all Town roads under its jurisdiction, and shall direct the posting of speed limit signs by the Public Works Department, in accordance with all applicable State and Federal regulations. The speed zones adopted by ordinance by the Town Board shall be listed in the Index of Traffic Regulations of the Town, which is adopted by reference as though fully set forth in this chapter. The official copy of the Index of Traffic Regulations shall be on file in the office of the Town Clerk, who shall keep the same current at all times by such revisions as is required by additions, deletions, and amendments adopted by the Town Board by ordinance from time to time. The Town Clerk shall provide and maintain copies of the Index of Traffic Regulations for the offices of the Town Attorney, Town Engineer, and the Police Department.

4.015 ALCOHOL-RELATED OFFENSES.

Upon conviction of any alcohol-related offense for which the Town has expended funds or incurred expense for the withdrawal or testing of blood or urine, the cost of such service to the Town shall be added to any forfeiture, court costs, and fees imposed by the court.

4.02 PARKING RESTRICTIONS.

(1) ALL NIGHT PARKING PROHIBITED. No person shall park a vehicle on any street or road within the Town between 2:00 a.m. and 6:00 a.m. from November 1 through March 31 of each year.

(2) STREET STORAGE PROHIBITED. No person shall park a vehicle on any street or road within the Town at any time for more than twenty-four (24) continuous hours without movement. Movement is defined as leaving the parking area completely. [Amended 10-14-2015 by Ord. No. 2015-07]

(3) “NO PARKING” POSTED AREAS. No person shall, without the permission of the owner or lessee of any public or private property, leave or park any motor vehicle thereon contrary to a posted sign thereon, if there is in plain view on such property a “No Parking” sign or a sign indicating limited or restricted parking.

(4) DISCRETION OF OWNER OR LESSEE. Owners or lessees of such property may prohibit parking, may restrict or limit parking, and may permit parking by certain persons and prohibit it or limit it as to other persons.

(5) SEMITRAILERS. The parking of semitrailers or trailers that are not attached to a tow vehicle is prohibited on all streets in the Town. Motor homes and recreation vehicles may not be parked on any street in the Town.

(6) PARKING FOR REPAIRS. No repair to motor vehicles of any nature or of trailers capable of being attached to motor vehicles shall be conducted on the streets of the Town except for emergency repairs.

(7) PARKING OR STORAGE IN PARKWAYS. No vehicle, equipment, merchandise or other objects shall be placed or parked in any parkway. (the area between the Town right-of way and the traveled portion of the road). No unpaved parkway area shall be paved, except driveway aprons.

(8) OBSTRUCTING MAIL DELIVERIES. No person shall park so near a mailbox as to interfere with the delivery of mail, Monday through Saturday from 8:00 a.m. to 5:00 p.m.

(9) OBSTRUCTING FIRE STATION. There shall be no parking at any time on the south side of CTH S, directly across from the Fire Station, more particularly described as the area commencing 375 feet from the intersection of CTH S and CTH E, and ending 575 feet from said intersection.

(10) NO PARKING. No person shall park, stop, or leave standing any vehicle, whether attended or unattended, except temporarily when actually engaged in unloading, loading, rendering a service, or in the case of an emergency in any of the following places. Any additional parking limitations and restrictions may be enacted by the Town Board and shall be filed with the Town Clerk and be indicated upon a map posted in the Freedom Town Hall. [Added 10-14-2015 by Ord. No. 2015-07]

(a) With the exception of prohibited all night parking (November 1st – March 31st), alternate side parking allowed for both sides of Vandenberg Street from McHugh Road to CTH S. Parking is allowed on even numbered days for even numbered house side of the street and on odd numbered days for odd numbered side of the street.

(b) On both sides of Conrad Street from CTH E south for 385 feet.

4.03 <u>HEAVY TRAFFIC ROUTES</u>.

(1) PROHIBITED. No person shall operate any vehicle within the classification of heavy traffic as defined by §349.17(2), Wis. Stats., over any street or streets, except those designated therefor. This section shall not be construed as prohibiting the ordinary use of any street for the purpose of obtaining orders for and delivering and moving of supplies or necessary commodities to or from any place of business or residence fronting on such street.

(2) ROUTES DESIGNATED. No person shall drive or cause to be driven any vehicle having a licensed weight in excess of 10,000 pounds, except upon the following streets:

(3) REDUCTION OF LOAD LIMITS. The Road Supervisor/Public Works Department may reduce the load limit on any of the streets on the Town heavy traffic routes when it is determined the condition or construction of the street warrants such reduction. The Town Highway Department shall erect signs and give notice thereof of any such limitation.

(4) VEHICLES EXEMPT. This section shall not apply to vehicles owned by federal or State governments or political subdivisions thereof, when actually engaged in governmental functions. The restrictions herein contained shall not prohibit heavy traffic from using a street for the purpose of obtaining, moving or delivering supplies, commodities or equipment to any place of business or residence fronting on such street.

4.03A TRUCK PARKING.

No person shall stop, leave standing, or store any of the following vehicles in a platted residential district, on non-heavy traffic routes and in any areas posted for no truck parking, except temporarily when actually engaged in unloading, loading, rendering a service, or in the case of an emergency. Loading or unloading shall not include picking up or dropping off personal property or performing personal errands.

(a) No motor vehicle requiring a license which exceeds 10,000 pounds, except as defined in Section 7.04(2) Wis. Stats.

(b) No motor vehicle equipped or used for auto salvage, commonly referred to as a wrecker.

(c) No trailer requiring a license to be operated on the highways, streets, or roadways in the State, except as defined in Section 7.04(2).

(d) No vehicle commonly referred to as a semi-trailer.

(e) No vehicle commonly referred to as a semi-tractor.

(f) No vehicle requiring an apportioned license.

4.035 NONMOVING VIOLATION AND REGISTRATION PROGRAM.

Pursuant to the provisions of Section 345.28(4) of the Wisconsin Statutes, the Town elects to participate in the nonmoving traffic violation and registration program of the Wisconsin Department of Transportation and pay the cost established by the Department under Section 84.13 of the Wisconsin Statutes; such cost shall, in turn, be assessed against persons charged with nonmoving traffic violations. The Town Attorney shall be responsible for requirements set forth in Section 345.28(4) of the Wisconsin Statutes.

4.04 TRAILER PARKING.

(1) PROHIBITED. Except as provided herein, no person shall park a trailer on any street, alley highway or Town road, or any other public place.

(2) TRAILER DEFINED. Any coach, cabin, mobile home, recreational vehicle or other vehicle or structure intended for or capable of human dwelling or sleeping purposes, mounted upon wheels or supports or capable of being moved by its own power or transported by another vehicle. The fact that any such vehicle or structure is rendered immobile by the removal of its wheels, the erection of a foundation thereunder, or any other similar alteration, shall not operate to exclude it from this definition.

(3) EMERGENCY OR TEMPORARY STOPPING OR PARKING. Emergency or temporary stopping or parking is permitted on any street, alley, highway or Town road for not longer than 24 hours subject to any other regulations imposed by the traffic and parking regulations or ordinances for that street, alley, highway or Town road.

(4) PARKING OR STORING ON PRIVATE PROPERTY The owner of a trailer may park or store such trailer on his own property if such trailer is not used for dwelling or sleeping purposes or in conjunction with a business involving the sale of trailers.

4.05 MOTORBIKES AND SIMILAR VEHICLES.

No person shall operate any motor vehicle, motorbike, minibike, go-cart, snowmobile or any other motorized vehicle, whether or not licensed with the State Motor Vehicle Division, in or on any park or Town property.

4.06 BICYCLES.

(1) REGULATIONS ON BICYCLE OPERATIONS.

(a) No person shall operate a bicycle in the Town without the consent of the registered owner.

(b) Every operator of a bicycle within the town shall comply with the following conditions:

1. Every person propelling or riding a bicycle upon a public roadway shall be subject to the provisions of all ordinances and State laws applicable to the operator of any vehicle, except those provisions with reference to equipment of vehicle and except those provisions which by their nature would have no application. Sections 346.77 to 346.81, Wis. Stats., are adopted by reference as part of this section.

2. Every bicycle being operated on public streets or highways in the Town between 1/2 hour after sunset and 1/2 hour before sunrise must be equipped with a clear head lamp visible for at least 500 feet, in front of the bicycle and a clear red light or reflector visible for at least 3001 to the rear.

3. Bicycles will be allowed to be ridden on public sidewalks within the Town, provided the operator of a bicycle upon the sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle rider or pedestrian proceeding in the same direction.

(2) ENFORCEMENT PROCEDURES AND PENALTIES. (a) Juveniles under 14 Years of Age.

1. First Offense Bicycle violation warning ticket is issued. Child is released. Parents are notified by designated safety officer.

2. Second Offense. Bicycle violation warning ticket is issued. Child is released. Parents are notified by designated safety officer. Parents are advised that they are responsible for their child's action and that future violations could result in the parent being cited into court under §346.77, Wis. Stats.

3. Third Offense. Bicycle violation ticket is issued. Offender is advised that he will be assigned to bicycle safety school. Parents are notified by designated safety officer of the date, time and location of the school.

(b) Juveniles 14-18 Years of Age.

1. Officer may issue a warning.

2. Officer may issue a municipal citation ordering the offender into Municipal Court.

3. In the case of offenders having a valid Wisconsin issued driver's license, the officer may issue a traffic citation.

(c) Adults Over 18 Years of Age. Officers may issue traffic citations as deemed necessary.

(d) Public Safety Officer to Use Best Judgment. It is understood that situations differ and a public safety officer must use his best judgment as the occasion warrants.

(e) Records of violations. Records of violations will be kept by the Department and will be used to determine which offense the current one is.

(f) Penalties. 1. In the case of municipal or traffic citations, penalties will be determined by using the Uniform State Traffic Deposit Schedule or the bond amount set by the Town for municipal ordinance violations.

2. The penalty for violation of any provision of this section is as set forth in the Town Fee and Forfeiture Schedule.

4.07 <u>ABANDONED VEHICLES</u>.

(1) DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this section:

(a) Vehicle. A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(b) Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(c) Property. Any real property within the Town which is not a street or highway.

(2) ABANDONMENT OF VEHICLES. No person shall abandon any vehicle within the Town and no person shall leave any vehicle at any place within the Town for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

(3) LEAVING OF WRECKED, NON-OPERATING VEHICLE ON STREET. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the Town.

(4) DISPOSITION OF WRECKED OR DISCARDED VEHICLES. No person in charge or control of any property within the Town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked or discarded vehicle or vehicle which is not licensed, has an invalid license or does not possess a current license, to remain on such property longer than 15 days; and no person shall leave any such vehicle on any property for longer than 15 days, except this subsection shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

(5) IMPOUNDING. The Chief of Police, Building Inspector or member of their department designated by them may remove or have removed any vehicle left at any

place within the Town which reasonably appears to be in violation of this section or lost, stolen or unclaimed. Such vehicles shall be impounded until lawfully claimed or disposed of in accordance with §66, Wis. Stats.

4.08 <u>OFFICIAL TRAFFIC SIGNS AND SIGNALS</u>.

(1) TOWN ENGINEER/DIRECTOR OF PUBLIC WORKS RESPONSIBLE. The Town Engineer/Director of Public Works shall procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Department of Transportation giving notice of the provisions of this chapter as required by State law. Signs shall be erected in such locations and in such manner as the Town Board determines will best effect the purposes of this chapter and give adequate warning to users of the streets and highways.

(2) REMOVAL OF UNOFFICIAL SIGNS AND SIGNALS. The Chief of Police and Town Engineer/Director of Public Works shall have the authority granted by §349.09, Wis. Stats., and shall order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this chapter or §346.41, Wis. Stats. Any charge imposed on any premises for removal of an illegal sign, signal or device shall be reported to the Town Board at its next regular meeting for review and certification.

(3) AVOIDING INTERSECTION OR TRAFFIC CONTROL DEVICE. No person shall drive across or upon a sidewalk, driveway, parking lot or private property or otherwise drive off a roadway in order to avoid an intersection or traffic control device.

(4) INDEX OF TRAFFIC REGULATIONS. The location of all speed limit signs adopted by ordinance by the Town Board shall be listed in the Index of Traffic Regulations of the Town, which is adopted by reference as though fully set forth in this chapter. The official copy of the Index of Traffic Regulations shall be on file in the office of the Town Clerk, who shall keep the same current at all times by such revisions as is required by additions, deletions, and amendments adopted by the Town Board by ordinance from time to time. The Town Clerk shall provide and maintain copies of the Index of Traffic Regulations for the offices of the, Town Attorney, Town Engineer and the Police Department.

(5) Official Stop signs shall be erected in compliance with Chapter 349 of the Wisconsin State Statutes and all operators of vehicles shall comply with stated official stop signs as set forth in the Town Ordinance adopting Wisconsin State Statute Sections 346.44 to 346.49.

(6) SCHOOL BUS WARNING LIGHTS. The operator of a school bus equipped with flashing red warning lights as specified in Wisconsin Statutes 347.25(2) shall activate such lights when near a residence or business district when pupils or other authorized passengers are to be loaded or unloaded even if a sidewalk and curb are laid on both sides of the road.

4.09 <u>DISORDERLY CONDUCT WITH A MOTOR VEHICLE</u>.

(1) PROHIBITED. No person shall cause or provoke disorderly conduct with a motor vehicle or cause a disturbance or annoy one or more persons within the Town by use of any motor vehicle including, but not limited to, an automobile, truck, motorcycle, minibike or snowmobile.

(2) DEFINITION. Disorderly conduct with a motor vehicle means engaging in violent, abusive, unreasonably loud or otherwise disorderly conduct, including, but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.

4.10 <u>OPERATION OF MOTOR VEHICLES IN PARKING LOTS OR ON TOWN OWNED PRIVATE ROADS WITHIN THE TOWN OF FREEDOM</u>.

(1) OPERATION OF MOTOR VEHICLES IN PARKING LOTS BY UNLICENSED OPERATORS PROHIBITED. No person who does not own a valid Driver's License shall operate a motor vehicle in any public or private parking lot held out for use for parking for the general public. *[Amended 02-25-2015 by Ord. No. 15-02]*

(2) COMPLIANCE WITH TRAFFIC SIGNS IN TOWN OWNED PARKING LOTS AND ON TOWN OWNED PRIVATE ROADS OR ALLEYS. The Chief of Police shall procure, erect and maintain appropriate traffic signage and markings within Town owned parking lots, or on Town owned private roads or alleys, to facilitate the safe and efficient flow of traffic within these areas. Any person operating a motor vehicle in any Town owned parking lot or on any Town owned private road or alley shall conform to the traffic signage and markings established in those locations. *[Amended 02-25-2015 by Ord. No. 15-02]*

4.11 <u>TRAFFIC EMERGENCIES.</u>

The Chief of Police, after consultation with the Town Chairperson, and in his or her absence the Town Engineer/Director of Public Works, is empowered, during periods of emergency, including, but not limited to, snow, freezing rain, sleet, ice, snow drifts, or other natural phenomenon which would create or likely create hazardous road conditions impeding fire, health, police, emergency or other vehicular traffic or otherwise endanger the safety or welfare of the community, to declare a state of public emergency and declare temporary traffic regulations to cover such emergency or special condition, such temporary regulations to be enforced by the Police Department. The declaration of such emergency and temporary traffic regulations may be made by newspaper, radio, placard or signs in the area designated or by other appropriate or convenient means. Such temporary traffic regulations may prohibit or restrict parking on designated streets or sides of streets for designated periods of time to facilitate snow or ice removal. The Village may cause any vehicle parked in violation of such temporary regulations to be removed at the expense of the owner of such vehicle.

4.12 STATE TRAFFIC LAWS ADOPTED.

Except as otherwise specifically provided in this chapter, the statutory provisions or rules of the Department of Transportation in Chs. 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute or rules of the Department of Transportation incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes or rules of the Department of Transportation incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulations of traffic on the highways, streets and alleys of Wisconsin.

4.13 PENALTY

The penalty for violation of any provision of this chapter shall be a forfeiture, assessments and costs as provided in the Uniform State Traffic Deposit Schedule plus any applicable fees prescribed by Ch. 814, Wis. Stats. Only those violations of ordinances adopted under the sections of the Wisconsin Statutes listed below are exempt from the penalty assessment:

346.50 Exceptions to Stopping or Parking Restrictions
346.51 Stopping, Standing or Parking Outside of Business or Residence Districts
346.52 Stopping Prohibited in Certain Specified Places
346.53 Parking Prohibited in Certain Specified Places
346.54 How to Park and Stop on Streets
346.55 Other Restrictions on Parking and Stopping
349.13 Authority to Regulate the Stopping, Standing or Parking of Vehicles
349.14 Authority to Use Parking Meters

(1) STATE FORFEITURE STATUTES. Any forfeiture for violation of §4.340.01 to 4.941.03 shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.

(2) LOCAL REGULATIONS. Except as otherwise provided in this chapter, the penalty for violation of §§4.01 through 4.10 of this chapter shall be as provided in the Town Fee and Forfeiture Schedule.

4.14 ENFORCEMENT.

(1) ENFORCEMENT PROCEDURE. This chapter shall be enforced according to §§23.33, 66.0113, 66.0114, 345.11 to 345.61 and Ch. 800 and 814.65, Wis. Stats.

(2) DEPOSIT.

(a) Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the Town Hall or at the office of the Clerk of Court or by mailing the deposit to such places. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

1. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the' citation and the person will be deemed to have tendered plea of no contest and submitted to a forfeiture and penalty assessment if required by §757.05, Wis. Stats., a jail assessment if required by §302.46(1), Wis. Stats., plus a crime laboratories and drug law enforcement assessment imposed by §165.755, Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats., not to exceed the amount of the deposit that the court may accept as provided in §345.37, Wis. Stats.

2. If the person fails to make a deposit for a violation of a traffic regulation or appear in court at the time fixed in the citation, the court may enter a default judgment finding the person guilty of the offense or issue a warrant for his arrest.

(b) The amount of the deposit shall be determined in accordance with the deposit schedule established by the Wisconsin Judicial Conference. For violations not found in the Uniform State Traffic Deposit Schedule the amount of the deposit shall be determined in accordance with the Municipal Circuit Bond Schedule for nontraffic violations.

(c) The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefor as required by §345.26(3)(b), Wis. Stats.

CHAPTER 5

PUBLIC PEACE AND GOOD ORDER

5.01 DISORDERLY CONDUCT WITH A MOTOR VEHICLE.

No operator shall accelerate a motor vehicle so as to emit an unnecessary noise as the result of the friction caused between the tires and the surface on which the vehicle travels or to cause the tries to throw stones or gravel when in the process of accelerating.

5.02 (RESERVED)

5.03 STATEWIDE SMOKING BAN.

(1) Smoking Ban Adopted. The Town hereby adopts, by reference, the provisions of Wis. Stat. §101.123, Smoking prohibited, pertaining to the statewide smoking ban.

(2) Definitions. For purposes of enforcing the smoking ban in the Town of Freedom, the following definition shall apply instead of the definition found in state statutes:

> "Enclosed place" shall mean all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50% of the combined surface area of the vertical plans constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

(3) Inspection and enforcement. The Town Police Department shall have the power to enter any premises subject to the smoking ban under state law to ascertain whether the premises are in compliance with this section and take appropriate enforcement action pursuant to Wis. Stat. §101.123.

5.04 ORDINANCE RESTRICTING CONSUMPTION OF INTOXICATING LIQUORS AND MALT BEVERAGES ON LICENSED PREMISES.

(1) Restriction. All intoxicating liquors sold on premises which have been licensed under Wisconsin Statute 125.26 as retail Class "B" License, shall be consumed within the boundaries of the licensed premises, or if sold in the original package or container as permitted by Wisconsin Statutes 125.25 shall be consumed entirely off the licensed premises. All fermented malt beverages sold on premises which have been licensed under Wis. Statutes 125.26 as retail Class "B" license, shall be consumed within the boundaries of the licensed premises or, if sold, to be consumed away from

said licensed premises as permitted by Wisconsin Statute 125.25 or 125.26, shall be consumed entirely off said licensed premises. Every Class "B" licensee who, either directly or indirectly, suffers or permits any person or patron to consume intoxicating liquor or malt beverages purchased at said licensed premises, to be consumed on the licensed premises but outside of the confines of the licensed premises, shall be fined not less than $10.00 nor more than $500. It shall be presumed that any intoxicating liquor or malt beverages being consumed outside the confines of the licensed premises was, in fact, purchased at said licensed establishment.

(2) Defense. The establishment of the following facts by a person permitted the consumption of intoxicating liquor or malt beverages outside the confines of the licensed premises, shall constitute prima facie evidence of innocence and a defense to any prosecution therefore:

(a) That the Class· "B" licensee or his operator on said premises, demanded that each and every patron consuming intoxicating liquors or malt beverages outside the confines of the licensed premises, leave the property immediately.

(b) When the person or person consuming said intoxicating liquor or malt beverages outside the confines of the licensed premises, refuse to leave the property, the retail "B" licensee or his operator, contacted in person or by telephone, a police officer of the Town of Freedom, or if a police officer cannot be reached, that the Outagamie County Sheriff's Department was contacted by telephone requesting that an officer be dispatched immediately to said licensed premises.

(c) That upon arrival of the Town officer, said Class "B" licensee, or his operator, immediately identified the person or persons who were or had been consuming intoxicating liquors or malt beverages outside the confines of the licensed premises; again ordered said person or persons to leave the property; and assisted the officer in removing said person or persons from the licensed premises.

(3) Posting. Every Class "B" licensee shall have posted in the licensed premises, a copy of their license.

5.05 ORDINANCE RELATING TO OPEN INTOXICANTS.

(1) No person shall consume any intoxicating liquor or fermented malt beverage while in or upon any street, alley, sidewalk, thoroughfare, parking lot, or other public way, or outside the confines of the building on premises licensed under Wisconsin Statute 125.26 as a retail Class "B" license, or outside the confines of the building on a premises licensed under Wisconsin Statute 125.27 as a retail Class "B" permit.

(2) All purchases of intoxicating liquor or fermented malt beverages by the glass or in open containers, shall be consumed inside the confines of the building on said licensed premises where served and shall not be removed to the public or private areas set forth in Subsection (1) above.

(3) No person shall possess any glass or open container containing intoxicating liquor or fermented malt beverages in or on any public or private areas set forth in Subsection (1) above.

(4) Town Board, of the Town of Freedom, may, in special circumstances, where it is satisfied that adequate supervision and police protection exists, and upon application therefore by any person, may permit the consumption or possession of intoxicating liquor or fermented malt beverages contrary to this ordinance, provided said permission is limited to a specific time and location.

5.055 <u>SOCIAL HOST.</u>

The purpose of this section is to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and to hold any person who hosts an event or gathering where persons under 21 years of age possess or consume alcohol responsible regardless of whether the person hosting the event or gathering supplied the alcohol.

(1) Definitions. For purposes of this section, the following terms have the following meanings:

a. Alcohol. “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

b. Alcoholic beverage. “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

c. Event or gathering. “Event” or “gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

d. Host or allow. “Host” or “allow” means to aid, conduct, entertain, organize, supervise, control or permit a gathering or event.

e. Parent. “Parent” means any person having legal custody of a juvenile:

1. As natural, adoptive parent or step-parent;
2. As a legal guardian; or
3. As a person to whom legal custody has been given by order of the Court.

f. Residence, premises or public or private property. “Residence”, “premises”, or “public or private property” means any home, yard, farm, field, land, apartment, condominium, hotel or motel room or

other dwelling unit, or a hall or meeting room, park or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a part or other soc8ial function, and whether owned, leased, rented or used with or without permission or compensation.

g. Underage person. "Underage person" is any individual under 21 years of age.

h. Present. "Present" means being at hand or in attendance.

i. In control. "In control" means the power to direct, manage, oversee and/or restrict the affairs, business or assets of a person or entity.

(2) Prohibited acts.

a. It is unlawful for any person(s) to: host or allow an event or gathering at any residence, premises or on any other private or public property where alcohol or alcoholic beverages are present when the person knows that an underage person will or does consume any alcohol or alcoholic beverage; or possess any alcohol beverage with the intent to consume it; and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

b. A person is responsible for violating this section if the person intentionally aids, advises, hires, counsels or conspires with or otherwise procures another to commit the prohibited act.

c. A person who hosts an event or gathering does not have to be present at the event or gathering to be responsible.

(3) Exceptions.

a. This section does not apply to a person who procures for or dispenses, gives, or sells alcohol or any alcoholic beverage to an underage person if the underage person is in the direct company of the underage person's parent, guardian, or spouse and the parent, guardian, or spouse has attained the legal drinking age, has consented to the underage person possessing or consuming the alcoholic beverage, and is in a position to observe and control the underage person.

b. This section does not apply to legally protected religious observances.

c. This section does not apply to an underage person who is lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

5.06 ORDINANCE REGARDING REGULATION OF JUNKED, INOPERABLE, UNLICENSED OR UNREGISTERED VEHICLE OR TRAILER STORAGE.

(1) Junked, Inoperable, Unlicensed or Unregistered Vehicle or Trailer Storage.

(a) No disassembled or inoperable or unregistered motor vehicle or trailer shall be stored or allowed to remain in the open upon public or private property for longer than thirty (30) days unless it is in connection with a vehicle sale or repair business enterprise located in a properly zoned area.

(b) Whenever the Town Board shall be advised that any vehicle or trailer has been placed or stored in the open upon public property contrary to this ordinance, then the Town Board may direct a Town Police Officer to dispose of such vehicle in the manner set forth in Paragraph (d).

(c) Whenever the Town Board shall be notified that a vehicle or trailer has been placed or stored in the open upon private property within the Town contrary to this ordinance, the Town Board may direct the Town Clerk to give notice either by certified mail or personal delivery to the owner of the real estate and/or resident of said real estate, that the motor vehicle or trailer must be removed within seven (7) days. If said motor vehicle is not removed within the time specified, a Town Police Officer shall cause the vehicle or trailer to be removed and the cost of such removal to be charged to the property from which it is removed. Said charges being entered as a special charge on the tax roll.

(d) A Town Police Officer when directed by the Town Board shall take custody of a motor vehicle or trailer in violation of this ordinance and take said vehicle to a salvage yard. If said vehicle is not claimed by the owner within a reasonable time as notified by Town Police and the storage and handling fees paid by said owner, said vehicle or trailer shall be sold or retained by said salvage yard.

(2) Regulation of Motor Vehicle Sales. No motor vehicle whether registered or unregistered shall be stored or allowed to remain in the open on public or private property for the purpose of resale for longer than thirty (30) days. Should the town be advised of violation herein, the Town Board may proceed under 5.06(1)(b), (c) and (d).

5.07 ORDINANCE REGULATING STORAGE OF JUNK.

(1) No person shall store junked or discarded property including automobiles, automobile parts, trucks, refrigerators, furnaces, washing machines, stoves, wood,

bricks, cement blocks or other unsightly debris which substantially depreciates property values within 250 feet of the centerline of a highway in the Town except in an enclosure which houses such property from public view.

(2) Whenever the Town shall be notified or made aware that such junk is being stored on property outside of an enclosure, the Town Board may direct the Clerk to give notice either by certified mail or personal delivery to the owner of the real estate and/or resident that said junk must be placed in an enclosure or removed from the real estate. If said junk is not removed within fifteen (15) days of said notice, the Town Board may have said junk removed and any charges for said removal shall. be entered as a special charge on the tax roll.

5.08 <u>OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE</u>.

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 of Freedom, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under 15.20 of this Code.

5.48.983	Use of Cigarettes and Tobacco Products Prohibited
5.66.0107	Possess or Attempt to Possess Marijuana (THC)
5.101.123	Clean Indoor Air
5.110.075(7)	Producing / Using Inspection Sticker Fraudulently
5.120.12(20)	Prohibition of Tobacco on School Grounds
5.134.65	Cigarette and Tobacco Products Retail License *1st Offense:* *2nd Offense:* *3rd Offense:*
5.134.66	Restrictions on Sale or Gift of Cigarettes: A Tobacco Product *1st Offense - If No Previous Violation Within 12 Months* *2nd Offense - If Previous Violation Within 12 Months*
5.144.42(2)	Pollution by Motor Vehicle / Failure to Repair
5.167.10	Fireworks Regulated
5.218.01(7)(a)	Used Cars / Prohibited Acts
5.218.01(7)(b)	Motor Vehicles / Sale to Minor
5.218.0145	Worthless Checks
5.939.32	Attempt
5.940.19(1)	Battery

5.941.01	Negligent Operation of Vehicle
5.941.10	Negligent Handling of Burning Metal
5.941.12(2)(3)	Interfering with Firefighting
5.941.13	False Alarms
5.941.20	Endangering Safety by Use of Dangerous Weapon
5.941.23	Carrying Concealed Weapon
5.941.235	Carrying Firearm in Public Building
5.941.237	Carrying Handgun where Alcohol Beverage may be Sold or Consumed
5.941.24	Possession of Switch Blade Knife
5.941.26	Machine Gun and Other Weapons: Use in Certain Cases
5.941.2965	Restrictions on Use of Facsimile Firearms
5.941.299	Restrictions on use of Laser Pointers
5.941.35	Emergency Telephone Calls
5.941.36	Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes
5.941.37	Obstructing Emergency or Rescue Personnel
5.942.01	Defamation
5.942.03	Giving False Information for Publication
5.942.05	Opening Letters
5.942.06	Use of Polygraphs and Similar Tests
5.942.08	Invasion of Privacy
5.943.01(1)	Criminal Damage to Property (Restitution - *Must Appear)*
5.943.012	Criminal Damage – Graffiti on Religious or Other Property
5.943.017	Graffiti
5.943.07	Criminal Damage to Railroads
5.943.11	Entry into Locked Vehicle
5.943.125	Entry into Locked Coin Box
5.943.13	Trespass to Land
5.943.14	Criminal Trespass to Dwellings
5.943.145	Criminal Trespass to Medical Facility
5.943.15	Entry onto a Construction Site or into a Locked Building,

	Dwelling or Room
5.943.20	Theft *1st Offense:* *2nd Offense:* *3rd Offense:*
5.943.21	Fraud on Hotel or Restaurant Keeper *1st Offense:* *2nd Offense:* *3rd Offense:*
5.943.215	Absconding without Paying Rent
5.943.22	Use of Cheating Tokens
5.943.225	Refusal to Pay for Motor Bus Ride
5.943.23	Operating a Vehicle Without Owner's Consent
5.943.24	Issue of Worthless Checks
5.943.34	Receiving Stolen Property
5.943.37	Alteration of Property Identification Marks
5.943.38(3)	Forgery
5.943.41(2), (3)(a)-(d), (4)(b), (5), (6)(a), (b), (d)	Financial Transaction Card Crimes
5.943.45	Obtaining Telecommunications Service by Fraud
5.943.455	Theft of Cellular Telephone Service
5.943.46	Theft of Cable Television Service
5.943.47	Theft of Satellite Cable Programming
5.943.50	Retail Theft *1st Offense:* *2nd Offense:* *3rd Offense:*
5.943.55	Removal of Shopping Cart
5.943.61	Theft of Library Material
5.943.70	Computer Crimes
5.944.15	Fornication
5.944.17	Sexual Gratification

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
5.944.33	Pandering
5.944.34	Keeping Place of Prostitution
5.944.36	Solicitation of Drinks Prohibited
5.945.02	Gambling
5.945.03	Commercial 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
5.946.67	Compounding Crime
5.946.69	Falsely Assuming to Act as Public Officer or Employee
5.946.70	Impersonating Peace Officer
5.946.72	Tampering with Public Records and Notices
5.947.01	Disorderly Conduct
5.947.011	Disrupting a Funeral or Memorial Service
5.947.012	Unlawful Use of Telephone
5.947.0125	Unlawful use of Computerized Communication System
5.947.013	Harassment
5.947.015	Bomb Scare
5.947.02(3)(4)	Vagrancy
5.947.04	Drinking in Common Carriers
5.947.06	Unlawful Assemblies and their Suppression
5.948.015	Other Offenses against Children
5.948.10	Exposing a Sex Organ
5.948.11	Exposing a Child to Harmful Material

5.948.21	Neglecting a Child
5.948.40	Contributing to Delinquency of a Child
5.948.45	Contributing to Truancy
5.948.51	Hazing
5.948.55	Leaving or Storing a Loaded Firearm within the Reach or Easy Access of a Child
5.948.60	Possession of a Dangerous Weapon by a Child *(a minor must appear)*
	Adult:
5.948.61	Dangerous Weapons on School Grounds *(a minor must appear)*
5.948.62	Receiving Stolen Property from a Child
5.948.63	Receiving Property from a Child
5.951	Crimes against Animals *(All Chapter Violations)*
5.951.095	Harassment of Police Animals
5.961.573	Possession of Drug Paraphernalia *(Juveniles Only)*
5.961.575	Delivery of Drug Paraphernalia (Juveniles Only)

5.09 <u>(RESERVED)</u>

5.10 <u>CURFEW</u>

(1) <u>CURFEW ESTABLISHED</u>:

(a) It shall be unlawful for any minor to loiter in or upon the public streets, public sidewalks, public right-of-ways, roads, alleys, parks, public buildings, private property held open for use by the public, vacant buildings, playgrounds of schools or school grounds in the Town of Freedom, either on foot or in or upon any conveyance being driven or parked thereon, between the hours of 11:00 o’clock P.M. and 5:00 o'clock A. M. of the following day, unless accompanied by his or her parent, guardian or adult person having legal custody or control.

(b) "Loitering" means remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger aimlessly; to stay; to saunter; to delay; to stand around, and shall also include the colloquial expression, "hanging around".

(2) <u>EXCEPTIONS</u>:

(a) This Section shall not apply to a child:

1. Who is performing an errand as directed by his parent, guardian or person having lawful custody.

2. Who is on his own premises or in the areas immediately adjacent thereto.

3. Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.

4. Who is returning home for a supervised school, church or civic function, but not later than sixty (60) minutes after the ending of such function.

(b) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or to be in a parked motor vehicle on the public streets.

(3) PARENTAL RESPONSILITY**:**

It shall be unlawful for any parent, guardian or other person having the lawful care, custody and control of any person under age eighteen (18) to allow or permit such person to violate the provisions of (a) or (b) above. The fact that prior to the present offense a parent, guardian or custodian was informed by any law enforcement officer of a separate violation of this Section occurring within 30 days of the present offense shall be prima facie evidence that such parent, guardian or custodian allowed or permitted the present violation. Any parent, guardian or custodian herein who shall have made a missing person notification to the police department shall not be considered to have allowed or permitted any person under age eighteen (18) to violate this Section.

(4) TAKING A CHILD INTO CUSTODY**.**

(a) Every law enforcement officer while on duty is hereby authorized to take into custody any child violating the provisions of Subsection (a) above. Children taken into custody shall be released from custody as soon as is reasonably possible. A person taking a child into custody shall make every effort immediately to release the child to the child's parent, guardian or legal custodian or, if the parent, guardian, or legal custodian is unavailable, unwilling, or unable to provide supervision for the child, may release the child to a responsible adult and verbally counselor warn as may be appropriate or, in the case of a runaway· child, may release the child to a home authorized under Sec. 48.277 of the Wisconsin Statutes. The parent, guardian, legal custodian, or other responsible adult to whom the child is released shall sign a release for the child.

(b) If the child is not released under this Subsection, the officer shall deliver the child to the Outagamie County Juvenile Court Intake Worker· in a manner determined by the court and law enforcement agencies, stating in writing with

supporting facts the reasons why the child was taken into custody and giving any child twelve (12) years of age or older a copy of the statement in addition to giving a copy to the Intake Worker. A juvenile violating these curfews regularly may be warned by an officer on duty in his discretion and sent home in lieu of taking the juvenile into custody.

(c) If the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, the officer shall take such action as is required under Sec. 48.20(4), Wis. Stats. If the child is believed to be mentally ill, drug dependent or developmentally disabled and exhibits conduct which constitutes a substantial risk of physical harm to the child or to others, the officer shall take such action as is required under Sec. 48.20(5), Wis. Stats. If the child is believed to be an intoxicated person who has threatened, attempted, or inflicted physical harm on himself or herself or on another and is likely to inflict such physical harm unless committed or is incapacitated by alcohol, the officer shall take such action as is required under Sec. 48.20(6), Wis. Stats.

(5) WARNING AND PENALTY:

(a) Warning. The first time a parent, guardian, or person having legal custody of a child who is taken into custody by a law enforcement officer as provided in Subsection (4) above, such parent, guardian, or person having such legal custody shall be advised as to the provisions of this Section and further advised that any violation of this Section occurring thereafter by this child or any other child under his or her care or custody shall result in a penalty being imposed as hereinafter provided.

(b) Penalty. Any parent, guardian or person having legal custody of a child described in Sub-Section (1) above who has been warned in the manner provided in Sub-Section (5)(a) herein and who thereafter violates this section shall be subject to a forfeiture of not less than $10.00 and not more than $500.00. After a second violation within a six month period, if the defendant, in a prosecution under this section, proves that he or she is unable to comply with this section because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the Court assigned to exercise jurisdiction under Chapter 48, Wis. Stats. Any minor person under sixteen (16) years of age who shall violate this Section shall, upon conviction thereof, forfeit the amount set forth in the Town's fee and bond schedule.

5.11 LOITERING ON SCHOOL PROPERTY.

No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll or play in any school building or in or about any playground area adjacent thereto within the Town between the hours of 8:00 a.m. and 4:00 p.m.

5.12-5.14 (RESERVED)

5.15 REGULATION OF ANIMALS.

(1) LICENSE REQUIRED. No person shall own, harbor or keep any dog more than five months of age on January 1 of any year, or five months of age within the license year, or within 30 days from the date such dog becomes five months of age, without complying with the provisions required under Chapter 174, Wis. Statutes.

The Dog License Fees shall be set by the Town Board and incorporated into the Town of Freedom Fee and Forfeiture Schedule.

Kennel license fees shall be set by the Town Board and incorporated into the Town of Freedom Fee and Forfeiture Schedule. Any person in the Town of Freedom who keeps five or more dogs shall obtain a kennel license.

All dogs kept in the Town of Freedom shall be registered by the Town Clerk as to sex, breed, color, spayed or unspayed, neutered or unneutered, name of dog, and name, address and phone number of the owner. At the time of such registration, such owner shall obtain a license, a duplicate copy of which shall be kept on file by the Town Clerk and shall pay a fee as already outlined in this ordinance, and receive a numbered license tag. It shall be the duty of said owner to cause such license tag to be securely attached to the dog's collar or harness and kept there at all times. A new tag with a new number shall be furnished to the licensee by the Town Clerk in place of the original tag on presentation of the license and proof of the loss of the original tag, and the Town Clerk shall keep a record thereof upon the register.

The license year shall commence on January 1 and end on the following December 31. The Town Clerk shall be a designee of the Town Board, and shall have full authority: (a) to register all dogs, (b) to make collection of all dog license fees and penalties and (c) to carry out the provisions of this ordinance.

Dog registration and licensing shall begin on January 1 and end on the following December 31. If the owner of a dog negligently or otherwise permits the dog to be untagged, such owner shall forfeit the amount set forth in the Town's fee and bond schedule.

(2) License Exemption. The only exemption to the requirement for licensing is a service dog specially trained to lead blind, deaf or disabled persons, and the owner of such dog shall receive annually a free license for such dog from the Town Clerk/Deputy Clerk upon application therefore and verification thereof.

(3) Requirements for Keeping of Dogs.

A. No person shall own, harbor or keep any dog which: (i) is off the premises of its owner without being securely fastened to a leash held and under control of its owner or agent, (ii) kills any domestic animal, or (iii) assaults or attacks any person off its premises.

B. Any licensed, unrestrained dog running at large shall be seized and impounded by Town Police in accordance with Section 174.042 Wisconsin Statutes for no more than 24 hours, during which time the registration records shall be searched to determine ownership. Upon determination of ownership, the Town Police shall attempt to notify such owner by telephone or personally, using reasonable effort, and such dog owner shall pick up the dog before the end of the 24 hours. Before the police shall deliver the dog over to the owner, such owner shall pay a $25.00 penalty for each offense, to the Town of Freedom.

C. Any unlicensed, unrestrained dog running at large shall be seized by the Town Police and taken immediately to the County pound. The fact that a dog is without a license attached to a collar or harness shall be presumptive evidence that the dog is unlicensed, unless it affirmatively appears that a tag had been properly attached to the collar or harness of the dog and had been lost or removed without the knowledge or consent of the owner. In such event, the Police officer shall make a reasonable effort to ascertain and notify the owner.

Before the Town Police shall deliver any dog described in this Section 3-C over to its owner, such owner shall pay a forfeiture as set forth in the Town schedule for each offense and also obtain a license for such dog, if such owner cannot present evidence of a current license all payable to the Town of Freedom and collectible by the Town Police.

D. Every dog owner shall have his/her dog(s) vaccinated against rabies as required by Section 95.21 Wis. Stats., and shall present the certificate of vaccination as evidence of such vaccination to the Town Clerk/Deputy Clerk before a dog license shall be issued.

E. No owner shall permit a dog under their direct control to defecate on someone else's property without immediately taking steps to remove the dog feces from said property.

(4) <u>Restrictions on Keeping Dogs, Cats, Fowl and Other Animals within the Town of Freedom.</u>

A. <u>Restrictions</u>. It shall be unlawful for any person within the Town of Freedom to own, harbor or keep any dog, cat, fowl or other animal which:

(1) Habitually pursues motor vehicles, bicycles or pedestrians upon any public street, alley or highway in the Town.

(2) Assaults or attacks any person or destroys property.

(3) Is at large within the limits of the Town.

(4) Habitually barks or howls to the annoyance of any person or persons.

(5) Kills, wounds or worries any domestic or wild animal.

(6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

(7) In the case of a dog, is unlicensed.

B. Vicious dogs and animals.

(1) No vicious dog or other animal shall be allowed off the premises of its owner-unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over the age of sixteen (16). For purposes of enforcing this Section, a dog shall be deemed as being of a vicious disposition if within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises. Any vicious dog which is found off the premises of its owner other than as hereinabove provided, may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be destroyed.

(2) No person shall harbor or permit to remain on his premises, any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after motorized vehicles, bicycles or lawful pedestrians.

C. Animals running at large.

(1) No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the Town. The owner of any animal or fowl, whether licensed or unlicensed, shall keep his animal or fowl tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animals or fowl running at large unlicensed and required by state law or Town Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer.

(2) A dog or cat shall not be considered running at large if it is on a leash and under the control of a person physically able to control the animal.

D. Owner's liability for damage caused by dogs or cats; penalties. The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs or cats, together with the penalties therein set forth, are hereby adopted and incorporated herein by reference.

(5) Animal Feces.

The owner or person in charge of any dog or other animal shall not permit solid fecal matter or urine of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner of person in charge of such animal.

This Section shall not apply to owners of service dogs.

(6) Injury to Property by Animals.

It shall be unlawful for any person owning or possessing a dog, cat, bird or other animal to permit such dog, cat, bird or other animal to go upon any parkway or private lands or premises without the permission of the owner of such premises, and break, bruise, destroy or injure any lawn, flower bed, plant, shrub, tree or garden, in any manner whatsoever, or to defecate or urinate thereon.

(7) Dog, Cat or Animal Vocal Disturbance.

It shall be unlawful for any person to knowingly keep or harbor any dog, cat or other animal which habitually barks, howls, yelps or makes any other audible noises to the discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs, cats and other animals are hereby declared to be a public nuisance. Any animal is considered to be in violation of this Section when two (2) formal, written complaints are filed with the Police Department within a four (4) week period.

(8) Prohibited and Protected Animals, Fowl, Reptiles and Insects.

A. Protected Animals.

(1) Possession and Sale of Protected Animals. It shall be unlawful for any person, firm or corporation, to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Town, any of the following animals, alive or dead, or any part of product thereof: all wild cats of the family felidae, polar bear (thalarctos maritimus), red wolf (canis niger), vicuna (vicugna vicugna), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (canis lupus), sea otter enhydra lutris), Pacific ridley turtle (lepodochelys olivacea), Atlantic green turtle (chelonia mydas), Mexican ridley turtle (lepodochelys kempi).

(2) Compliance with Federal Regulations. It shall be unlawful for any person, firm or corporation, to· buy, sell or offer for sale, a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).

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

B. Exceptions. The provisions of Subsection (a) above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the. Secretary of the Department of Natural Resources of the state, or to any person or organized licensed to present a circus.

C. Wild Animals; Prohibition on Keeping. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Town, any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile with wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Town, any of the following animals, reptiles or insects:

(1) All poisonous animals and reptiles including rearfang snakes.

(2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); ans siamangs (Symphalangus).

(3) Baboons (Papoi, Mandrillus).

(4) Bears (Ursidae).

(5) Cheetahs (Acinonyxjubatus).

(6) Crocodiles (Crocodilia), thirty (30) inches in length or more.

(7) Constrictor snakes, six (6) feet in length or more.

(8) Coyotes (Canis latrans).

(9) Elephants (Elephas and Loxodonta).

(10) Game cocks and other fighting birds.

(11) Hippopotami (Hippopotamidae).

(12) Hyenas (Hyaenidae).

(13) Jaguars (panthera onca).

(14) Leopards (Panthera pardus).

(15) Lions (Panthera leo).

(16) Lynxes (Lynx).

(17) Monkeys, old world (Cercopithecidae).

(18) Piranha fish (Characidae).

(19) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.

(20) Rhinoceroses (Rhinocero tidae).

(21) Sharks (class Chondrichthyes).

(22) Snow leopards (Panthera uncia).

(23) Tigers (Panthera tigris).

(24) Wolves (Canis lupus).

(25) Poisonous insects.

(26) Except in properly zoned districts: horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.

D. Exceptions: Pet Shops. The prohibitions of Subsection (c) above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant Of transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; licensed pet shops; zoological gardens, if:

(1) Their location conforms to the provisions of the zoning ordinance of the Town.

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

(3) Animals are maintained in quarters so constructed as to prevent their escape.

(4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.

(9) Providing Proper Food and Drink to Confined Animals and Fowl.

A. No person owning or responsible for confining or impounding any animals or fowl may refuse or neglect to supply the animals or fowl with a sufficient supply of food and water as prescribed in this Section.

B. The food shall be sufficient to maintain all animals or fowl in good health.

C. If potable water is not accessible to the animals or fowl at all times, it shall be provided daily and in sufficient quantity for the health of the animals or fowl.

(10) Providing Proper Shelter.

A. Proper shelter. No person owning or responsible for confining or impounding any animal or fowl may fail to provide the animal or fowl with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or fowl is located.

B. Indoor standards. Minimum indoor standards of shelter shall include:

(l) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal or fowl.

(2) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animal or fowl at all times.

C. Outdoor standards. Minimum outdoor standards of shelter shall include:

(l) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal or fowl which is tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.

(2) Shelter from inclement weather.

(a) Animals and fowl generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal or fowl.

(b) Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate and shelter the dog shall be provided.

D. Space standards. Minimum space requirements for both indoor and outdoor shelters shall include:

(l) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animal and fowl from injury, and to contain the animal or fowl.

(2) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal or fowl adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

E. Sanitation standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excrement and other waste materials, dirt and trash, so as to minimize health hazards to the animal or fowl.

5.16 COMPRESSION BRAKING PROHIBITED.

No person shall, within the Town, use motor vehicle brakes which are in any way activated or operated by the compression of the engine of a motor vehicle (compression brakes, e.g. “jake brakes” or Jacobs brakes), or any unit or part thereof, except in an emergency situation.

5.17 ATV REGULATIONS.

(1) Definitions: The definitions found at §23.33(1), Wis. Stats., are adopted herein.

(2) All highways and sidewalks within the Town are designated as ATV routes from October 1 to April 30, for the exclusive purpose of snow removal.

(3) ATV Equipment Requirements:

(a) The ATV shall comply with the regulations found at §23.33, Wis. Stats., and any other applicable Administrative Code regulations.

(b) The ATV shall have a slow moving vehicle placard that complies with §347.245, Wis. Stats., and TRANS §304, Wis. Administrative Code, affixed to the rear.

(c) The ATV shall have one or more amber flashing or rotating lights that are visible for 360 degrees and from 300 feet attached to the highest point of the vehicle.

(4) ATV Snow Removal Requirements:

(a) The ATV’s headlamp, amber flashing or rotating lamp and taillights must be in operation during snow removal operations at all times.

(b) Snow removal equipment must be in good working condition.

(c) The ATV Routes may be used during the snow removal process as well as to travel the distance necessary from the original starting or unloading point (not to exceed two [2] miles) to remove snow, except as noted below.

(d) When operating on sidewalks the ATV speed shall not exceed five (5) miles per hour; shall yield to pedestrians; and shall not use the sidewalk for travel purposes from location to location.

(e) ATV operators are prohibited from depositing snow onto roadways or onto any Town ATV Routes.

(f) An ATV operator shall comply with all other applicable laws, now in conflict with this section.

(5) Violations of this section shall result in forfeitures established by the Town of Freedom Fee and Forfeiture Schedule.

5.18-5.29 <u>(RESERVED)</u>

5.30 <u>TRUANCY OFFENSES.</u>

(1) DEFINITION. For purposes of this section, the following terms shall have the following meaning:

A. TRUANT, means a pupil who is absent from school without an acceptable excuse under Sections 118.15 and 118.16(4), Wis. Stats, as from time to time may be amended, for all or part of any day on which school is held during a semester.

B. HABITUAL TRUANCY, means a pupil who is absent from school without an acceptable excuse under Section 118.15 and 118.16(4), Wis. Stats, for part or all of five or more days in which school is held during a semester.

C. TRUANCY, means any absence of part of all of one or more days from school during which the attendance officer, principal, or teacher, has not been notified of a legal excuse of such absence by the parent or legal guardian of the absent pupil.

(2) PENALITIES.

A. Any pupil under the age of eighteen (18) years of age found by the Court to be truant shall be subject to one or more of the following:

1. An order for the pupil to attend school.

2. Subject to Section 938.37, Wis. Stats., a forfeiture of not more than $50 plus costs for the first violation, or a forfeiture of not more than $100 plus cost for any second or subsequent violation committed within twelve (12) months of the previous violation up to a cumulative maximum of not more than $500 for all violations committed during a school semester.

3. All or part of the forfeiture plus costs may be assessed against the pupil, the pupil’s parent(s) or guardian(s), or both.

B. Any pupil under the age of eighteen (18) years of age found by the Court to be a habitual truant shall be subject to one or more of the following:

1. Suspension of the pupil's operating privilege for not less than thirty (30) days or more than one year. If this penalty is imposed, the Court shall immediately take possession of any suspended license and forward it together with a notice stating the reason for and the duration of the suspension;

2. An order for the pupil to participate in counseling, a supervised work program, or other community services as described in Section 938.34(5g), Wis. Stats. The costs of any such counseling, supervised work program, or other community service work may be assessed against the pupil, the parent(s) or the guardian(s) of the pupil, or both;

3. An order for the pupil to remain at home except during the hours in which the pupil is attending religious worship or travel time required to get to and from the place of worship or school program (the order may permit the pupil to leave his/her home if the pupil is accompanied by a parent or guardian);

4. An order for the pupil to attend an educational program as described in Section 938.34(7b), Wis. Stats.;

5. An order for the pupil to attend school;

6. Subject to Section 934.37, Wis. Stats., a forfeiture of not more than $500 plus costs for each occurrence. All or part of the forfeiture plus costs may be assessed against the pupil, the pupil's parent(s), or guardian(s) of the pupil, or both;

7. Any other reasonable conditions consistent with this subsection, including curfew, restrictions as to going or remaining on specified premises and restrictions on associating with other children or adults;

8. An order placing the pupil under formal or informal supervision as described in Section 938.34(2), Wis. Stats., for up to one (1) year;

9. An order for the pupil's parent, guardian, or legal custodian's own expense, or to attend the school with the pupil, or both.

(3) CONTRIBUTING TO TRUANCY

A. Except as provided in sub (B) below, any person eighteen (18) years of age or older who by act or omission knowingly encourages or contributes to the truancy of a pupil shall be subject to the forfeiture of not more than $200 plus costs, and upon default of the payment of the forfeiture on the costs of the prosecution, shall be imprisoned in the County Jail until said forfeiture and costs are paid but not to exceed ninety (90) days.

B. An act or omission contributes to a truancy of a pupil whether or not the pupil is adjudged to be in need of protection or services if the natural and probable consequences of that act or omission would be to cause the pupil to be truant.

5.31-5.39 <u>(RESERVED)</u>

5.40 <u>POSSESSION OF DANGEROUS WEAPONS AND FIREARMS</u>.

(1) <u>Firearms in Public Buildings</u>.

(a) Pursuant to §943.13(1m)(c)4. of the Wisconsin Statutes, no person shall enter or remain in any part of a building owned, occupied or controlled by the State or local governmental unit if the State or local governmental unit has notified the person not to enter or remain in the building while carrying a firearm or a specific type of firearm.

(b) The Town Chairman shall cause signs to be erected at all entrances to all buildings owned, occupied or under the control of the Town of Freedom providing notice that no person, including employees of volunteers providing service to the Town are to enter or remain in any such building while carrying a firearm. Such signs shall be five inches by seven inches or larger.

(c) Nothing in this subsection shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm in any public building.

(d) Nothing in this subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to §§941.23 or 941.235 of the Wisconsin Statutes.

(2) <u>Discharge of Dangerous Weapons</u>

Subject to the provisions of §175.60 of the Wisconsin Statutes, no person shall wear, conceal about his person or display in a threatening manner, any dangerous weapon or firearm, and no person, except an authorized peace officer, shall discharge any dangerous weapon or firearm or have any dangerous weapon or firearm in his

possession within the Town unless it is unloaded, knocked down and enclosed in a carrying case or other suitable container, and except as follows:

(a) The Board may issue permits to an organized gun club to engage in target practice within the Town at times and places designated by the Chief of Police.

(b) The Chief of Police may issue permits to persons employed by armored car services allowing them to carry firearms while engaged in such employment.

(c) The permit shall be issued annually and shall be valid for the period from and including April 1 of one year to and including March 31 of the following year.

(d) The cost of the permit shall be $15.00 per year, or any part thereof.

(e) The Chief of Police shall establish standards and requirements to qualify persons for the permit or any renewal thereof.

(f) The permit shall be subject to revocation at any time uupon conditions to be established by the Chief of Police.

(g) Any person engaged in hunting for big game, small game, or birds of any nature; provided the person complies with all applicable hunter safety regulations promulgated by the Wisconsin Department of Natural Resources; and any person sighting a gun, or using an air gun, BB gun or pellet gun for target practice, provided they are at least 100 yards from any inhabited structure and are using a safe shooting background during daylight hours.

Definitions: The following terms shall have the meanings indicated:

(1) Dangerous weapon: (See §939.22(10), Wis. Stats.) Includes, without limitation by enumeration, a firearm, pea-shooter, slingshot, bow made for throwing or projecting arrows or other missiles, taser or stun-gun, nunchiku, cross-knuckles or knuckles of lead, brass or other metal, or any knife with a switch blade or device whereby the blade can be opened by a button, pressure on the handle or other mechanical contrivance.

(2) Firearm. Includes, without limitation by enumeration, a rifle, shotgun, pistol, revolver, air gun, BB gun or pellet gun, whether called by one of the foregoing names or any other name.

(3) Peace officer. (See §939.22(22) Wis. Stats.)

5.41 (RESERVED).

5.42 THROWING OR SHOOTING MISSILES AND PROJECTILES.

No person shall throw or shoot any object, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Town.

5.43 URINATING OR DEFECATING IN PUBLIC.

No person shall urinate or defecate 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, in the halls, rooms without rest room facilities, stairways or elevators of public or commercial buildings.

5.44 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.

No person shall stand, sit, loaf, loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Town in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon, or prevent or hinder free ingress to or egress from any place of business, amusement, church, public hall or public meeting place.

5.45 LOUD AND UNNECESSARY NOISE PROHIBITED.

No person shall make, or cause to be made, any loud, disturbing or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park, or any private residence.

5.46 LOITERING.

(a) Loitering or prowling prohibited - generally: No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon the appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding condition, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(b) Obstruction of traffic by loitering. No person shall loaf or loiter in a group or crowd upon the public streets, alleys, sidewalks, street crossings or bridges, or in any other public place within the Town, in such a manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, alleys, sidewalks, street crossings or bridges, or other public places, by persons passing along and over the same.

(c) Loitering after being requested to move.

(1) In groups or crowds. No person shall loaf or loiter in a group or a crowd upon the public streets or sidewalks, in adjacent doorways or entrances, on street crossings or bridges, or in any other public place, or on any private premises without invitation from the owner or occupant thereof, after being requested to move by any police or peace officer, or any person in authority at such places.

(2) In places of public assembly or use. No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use, after being requested to move by any police or peace officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises and area thereof

(3) Obstructing highways. No person shall obstruct any street, bridge, sidewalk or street crossing by lounging or loitering in or upon the same after being requested to move on by any police or peace officer.

(d) Loitering in school and playground areas. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand or play in any school building, or in or about any playground area adjacent thereto, within the Town, on official school days.

5.47 (RESERVED)

5.48 (RESERVED)

5.49 LITTERING PROHIBITED.

(a) No person shall throw, deposit, place or dump any glass, refuse, waste, filth, tires, wood waste, grass clippings, weeds, shingles, waste from cement trucks, or any other litter upon the streets, alleys, highways, public parks or other property of the Town, or upon any private property not owned by them, or upon the surface of any body of water within the Town.

(b) No person shall place anything in a privately owned dumpster not owned by them.

(c) No person shall place non-recyclables at a recycling center or in a recycling receptacle.

5.50 OBEDIENCE TO OFFICERS.

No person shall resist or interfere with any police or peace officer in the Town while such police or peace officer is doing any act in his official capacity and with lawful authority, nor shall any person refuse to assist a police or peace officer in carrying out his duties when so requested by the officer.

5.51 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATION.

No person shall have or permit on any premises owned or occupied by him, any open cistern, cesspool, well, unused basement, excavation or other unsecured opening. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person. Any cover or fastener used shall be of such design, size and weight that the same cannot be removed or dislodged by small children.

5.52 ABANDONED OR UNATTENDED APPLIANCES.

No person shall leave or permit to remain outside any dwelling, building or other structure, or within any unoccupied or abandoned dwelling, building or other structure, or on any vacant or undeveloped property, under his control and in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator, upright or chest freezer, oven or any other appliance or container having an airtight door or lid, snap lock or other locking device which may not be released from the inside, unless such door or lid is removed from such appliance or container, or unless such container is displayed for sale on the premises of the owner or occupant and is securely closed and rendered inaccessible while unattended.

5.53 (RESERVED).

5.54 USE OF OFF ROAD MOTORIZED VEHICLES.

(a) Definitions. An "off road motorized vehicle" is defined as a motorized vehicle not licensed by the State of Wisconsin for operation on highways.

(b) Restriction. No person shall operate any motorized vehicle on any place other than a public roadway in the Town, except as follows:

(1) A person may operate an off road motorized vehicle on land owned by the operator thereof, or a member of his family, or a person having obtain explicit permission of the land owner.

(2) A person may operate an off road motorized vehicle on undeveloped private property in the Town provided that, at the time of operation, the person has on his person written permission from the owner of the property to operate such motorized vehicle on such private property.

(3) The operation of off road motorized vehicles is prohibited on all publicly-owned property in the Town, except duly designated highways, streets or roadways, or crossings thereof.

(c) Use of Off-Road Motorized Vehicles to Provide Access for persons with disabilities.

(1) Purpose. The Town Board, Town of Freedom, Outagamie County, following due consideration, deems it to be in the public interest to provide recreational opportunities for persons with disabilities, as defined at Section 340.01(43g) of the Wisconsin Statutes, and therefore establishes transportation routes for such persons, pursuant to this ordinance, to allow access to public parks, facilities and trails.

(2) Statutory Authority. The routes are created pursuant to Town authority under Sections 349.10(1)(e); 349.18(1)(b); 349.23; and 349.236 of the Wisconsin Statutes. To the extent necessary to accomplish the implementation of the routes, the provisions of the above statutory sections are hereby adopted by reference. In the event that any provision of this ordinance is inconsistent, or conflicts with such statutes or any of them, that statute, and not this ordinance, shall control and be applied.

(3) Conditions.

(a) Speed. No person shall operate an off-road motorized vehicle within the Town of Freedom, on any trail, street, or other public way, at a speed in excess of any posted speed limit. Any off-road motorized vehicle which is not able to obtain the speed of 25 mph. must display a slow-moving vehicle sign as required in Section 347.245(1) of the Wisconsin Statutes.

(b) Equipment Requirements. No off-road motorized vehicle may be operated on any street within the Town of Freedom unless it conforms to all noise, registration and other equipment requirements as stated in the Wisconsin Statutes or the Municipal Code of the Town of Freedom.

(c) Headlight and Taillight. Every off-road motorized vehicle operating within the Town, upon any public street, must display lighted headlights and taillights at all times, day or night. Headlights shall be of a white or clear light and must be capable of illuminating the road ahead during hours of darkness and be observed at a distance of 500 feet. Headlights must be properly adjusted, so as not to interfere with the operation of other vehicles on the roadway. Taillights shall be red in color and be observable to a distance of 500 feet at night.

(d) Operation in Parks and on Trails. No person shall operate an off-road motorized vehicle within any public park or on any public trail at a speed of more than 10 mph. When traveling on trails or paved pathways within parks, the operator of the off-road motorized vehicle shall yield the right-of-way to pedestrian traffic and shall use the most direct route from any trail or paved pathway to their destination.

(e) Restrictions on Operators of Off-Road Motorized Vehicles. No person shall operate an off-road motorized vehicle on any Town road, public park or trail unless such person shall have a valid motor vehicle operator's license.

(4) Routes. Except as provided in the Wisconsin Statutes, or as stated herein, no person shall operate any off-road motorized vehicle upon any public street, in any public park, on any public trail or on any other public or private property in the Town except upon routes and trails designated by the Town Board. No person may operate an off-road motorized vehicle for any reason on the following streets: (1) any State or County highway, unless for the purpose of crossing said State or County highway to access a designated route; (2) any street where operation is prohibited by a posted sign.

5.55 TRESPASSING IN VEHICLES.

No person shall enter a motor vehicle, aircraft or watercraft, or any part thereof, belonging to another person without the express consent of the person in lawful possession of the motor vehicle, aircraft or watercraft.

5.56 (RESERVED)

5.57 FRAUDULENT RETURN OF MERCHANDISE.

No person shall return merchandise to a merchant for the purpose of claiming a cash refund or credit if the person deceives the merchant by doing any of the following:

(a) Represents that such person purchased the merchandise when the person did not purchase it.

(b) Represents that merchandise was purchased from a particular merchant when it was not purchased from that merchant.

(c) Represents that the merchandise was purchased for a particular price when it was purchased for a lower price.

(d) Gives a merchant a false name or address.

5.58 POSSESSION OF CIGARETTES AND TOBACCO PRODUCTS BY MINORS.

(a) No person under 18 years of age may purchase or possess any cigarette or tobacco product.

(b) Any person under 18 years of age may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment, during working hours if employed by a retailer licensed under §134.65(1), Wis. Stats.

(c) Persons under 18 years of age found purchasing or in the possession of cigarettes or tobacco products shall be penalized in accordance with the Town fee and bond schedule.

(d) Cigarette and tobacco product vending machines.

(1) No retailer may place a cigarette or tobacco product vending machine within 500 feet of a school.

(2) If, at the time this Section is enacted, a written agreement binding on a cigarette or tobacco product vending machine operator governs the location of his vending machine which is located within 500' of a school, the vending machine operator shall remove the vending machine on the date the written agreement expires, or is scheduled to be renewed.

(3) No retailer may keep a cigarette or tobacco product vending machine in any public place that is open to persons under 18 years of age, unless ALL of the following apply:

A. The vending machine is in a place where it is ordinarily in the immediate vicinity, plain view and control of an employee;

B. The vending machine is in a place where it is inaccessible to the public when the premises are closed.

(4) The retailer, or the person designated by the retailer to ultimately control, govern and direct the activities within the premises where the cigarette or tobacco product vending machine is located, shall ensure that an employee of the retailer remains in the immediate vicinity, plain view and control of the vending machine whenever the premises are open.

(5) A cigarette or tobacco product vending machine operator shall remove all such vending machines that are located in any place prohibited by this Section within sixty (60) days after the effective date of this Section.

(6) The penalty violations of this Section shall be $200, plus costs, per occurrence.

5.585 <u>ELECTRONIC NICOTINE DELIVERY SYSTEMS AND ELECTRONIC SMOKING DEVICES.</u> *[Amended 02-25-2015 by Ord. No. 15-03]*

(a) <u>Findings</u>. The Town Board of the Town of Freedom finds that:

(1) Electronic nicotine delivery systems (ENDS) and electronic smoking devices provide an alternative smoking experience to tobacco cigarettes. Electronic smoking devices are not subject to regulation by the Federal Food and Drug Administration (FDA) and have not been proven safe for either users or bystanders. The contents of cartridges vary widely and may contain nicotine, traces of nicotine, carcinogens, formaldehyde, antifreeze and other toxic substances which may pose health risks for users and bystanders. Electronic smoking devices do not produce a gas or vapor but rather a dense visible aerosol of liquid submicron droplets consisting of glycols, nicotine, and other chemicals, some of which are carcinogenic. Packaging does not consistently include health warnings as required for conventional cigarettes and does not provide notice of harmful effects, nicotine concentration levels, or the existence or content levels of toxic substances.

(2) Electronic smoking devices have been proven to emit nicotine, ultra-fine particles, volatile organic compounds and other toxins. Inhalation of nicotine is proven to be dangerous to everyone, especially children and pregnant women. Exposure to ultrafine particles are distressing and harmful and may exacerbate respiratory illnesses, such as asthma and may constrict arteries which could trigger a heart attack. The volatile organic compounds, such as formaldehyde and benzene, found in electronic smoking device aerosols, as well as conventional cigarette smoke, are proven carcinogens. Inhalation of vaporized nicotine in propylene glycol is not FDA approved. Short term exposure to propylene glycol causes eye, throat, and airway irritation and long term inhalation can result in developing asthma. Some studies show that heating propylene glycol changes its chemical composition, producing small amounts of propylene oxide, a known carcinogen. There are metals in electronic smoking device aerosol, including chromium, nickel and tin nanoparticles.

(3) Youth in particular may be more vulnerable to the marketing and appeal of electronic smoking devices and may migrate from these devices to conventional cigarettes and tobacco products. Electronic smoking devices which contain nicotine can create or sustain a nicotine addiction. Nicotine is an addictive and harmful substance. Electronic smoking devices can pose health risks from which minors should be protected. Access to these substances and devices by youth should be restricted.

(b) Purpose and Authority. The ordinance is adapted for the purpose of protecting the public health, safety, comfort and general welfare of the people of the Town of Freedom. This ordinance is adapted under the authority of Wis. Stat. sec. 101.123(4m).

(c) Definitions. Except as set forth below, the definitions of Wis. Stat., sec. 101.123(1) are hereby adopted. In this section:

"Town buildings" and "Town property" mean all Town owned or operated buildings and those portions of buildings leased or operated by the Town, and municipal property such as motor vehicles.

"Electronic smoking device" means any product containing or delivering nicotine or any other similar substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. "Electronic smoking device" includes any component part of such product whether or not sold separately. The term shall include such devices whether they are manufactured as electronic cigarettes, electronic cigars, electronic pipes or any other product name. "Electronic smoking device" is not included in any product that has been approved by the United States Food and Drug Administration (FDA) for sale as a tobacco cessation product or is being marketed and sold solely for approved purposes.

"Smoking" includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form or the use of any oral smoking device.

(d) Prohibition Against Smoking In Town Buildings and Town Property. No person may smoke in City buildings or motor vehicles.

(e) Sale of Electronic Smoking Devices to Persons Under the Age of 18. No person shall sell or offer for sale or provide for nominal or no consideration any electronic smoking device to any person under 18 years of age.

(f) Possession of Electronic Smoking Device by Persons Under the Age of 18. No person under 18 years of age shall possess or use any electronic smoking device.

(g) Declaration of Establishments, Restaurants and Tavern as Smoke Free. A manager, operator, owner or other person in control of any establishment, restaurant or tavern may prohibit smoking within the meaning of this chapter in said establishment, restaurant or tavern or in any portion, including outdoor areas under its control. Such declaration

shall be noticed to patrons by conspicuous signage and shall be enforceable in the same manner as any other violation of this chapter.

(h) Severability. Interpretation. Each section, paragraph, sentence, clause, word, and provision of this ordinance is severable, and if any such section or provision shall be held unconstitutional or invalid for any reason, such decision(s) shall not affect the remainder of the chapter nor any part thereof other than that affected by such decision.

(i) Interpretation. Whenever the provisions of the Wisconsin Statutes and this chapter conflict, the provisions of this chapter shall apply.

(j) Penalty.

(1) Any person who violates provisions of this section shall pay a forfeiture in accordance with the Town of Freedom Fee and Forfeiture Schedule.

(2) Any person in charge who violates Wis. Stat. Sec. 101.123(2m) shall pay a forfeiture in accordance with the Town of Freedom Fee and Forfeiture Schedule.

5.59 MISUSE OF STATEWIDE EMERGENCY SERVICES NUMBER (911).

The Town hereby adopts §l46.70, Wis. Stats. Any person who intentionally dials the statewide emergency services number -- 911 -- to report an emergency, knowing in fact that the situation which he or she reports does not exist, shall be fined in accordance with the Town Bond Schedule.

5.60 HARBORING A MINOR WITHOUT PARENTAL CONSENT.

Any owner, tenant or person in control of a residence or other facility shall not allow or permit a child under the age of 18 to loiter, idle or remain in such residence or facility, or upon such property, without the consent of the child's parent or legal guardian.

5.61 TRESPASS TO BUILDINGS. STRUCTURES OR BUSINESS.

(a) No person shall enter any building, structure, business or property of another without the permission of the owner or person apparently in charge of the building, structure, business or property.

(b) Permission to enter shall be presumed when the building, structure, business or property is normally open to the public. Permission may, however, be specifically Withdrawn by the owner or person apparently in charge of the building, structure, business or property at any time.

(c) No person shall climb any utility pole within the Town, unless the person has been duly authorized by the Town and/or the utility. No person shall remove or attempt to remove from any utility pole, any Town property including, without limitation, flags and decorations, unless the person has been duly authorized by the Town and/or the utility.

5.62 DAMAGE TO CURBS.

No person shall run a vehicle over a curb in the Town, unless that curb shall have been properly blocked or ramped to ensure no damage to the curb. Properly blocked means adequately covered behind the curb with crushed stone to a sufficient depth to protect the back of the curb, and a 4x4 planking in front of the curb. All tires crossing the curb shall be supported in this manner. This requirement may be waived by the Town Board for good cause shown.

5.63 CONSTRUCTION PRACTICES WITHIN THE TOWN.

(a) Preamble. The Town wishes to protect its citizens, pedestrians, motor vehicles, streets, curbs, sewers and sidewalks injury or damage due to construction debris and activity, during construction projects and after their completion. This Section is enacted to require proper construction practices to assure such protection.

(b) Mud, dust, brush, stumps, etc. No general contractor, building permit holder or owner, or anyone acting under them, shall cause, maintain or permit the littering of any public or private property, or public streets, with mud, dust, brush, stumps, tree limbs, mounds of dirt following landscape completion, or other types of debris, nor shall any general contractor, building permit holder or owner, or anyone acting under them, cause damage to any public street, sidewalk, curb, gutter, sewer system or property.

(c) Hours of work. Construction activities may commence no earlier than sunrise and shall cease by no later than 8:00 o'clock p.m., unless the hours of work are expanded by the written approval of the Town Board.

(d) Daily cleanup. General contractors, building permit holders and owners, and anyone acting under them, must clean up a construction site by 8:00 o'clock p.m. each day or at the end of the workday, whichever occurs earlier, and the site must be kept clean as much as is feasible during the workday.

(e) Street or sidewalk debris. Debris in the street or on the sidewalk which could injure a pedestrian or cyclist, or damage a motor vehicle, must be removed immediately.

(f) Disposal of debris at construction site.

(1) No general contractor, subcontractor, owner, permit holder, municipality or municipal subcontractor shall allow any person to leave at a construction site, litter or building debris which creates a nuisance. During the course of any construction which requires a permit within the Town, the general contractor, permit holder or owner shall be responsible for having a dumpster, or other suitable method of disposal which will properly contain all construction related debris, on the site at all times while construction is underway on the site.

(2) If a general contractor, permit holder or owner creates a nuisance, the Building Inspector shall revoke the building permit until there is compliance with this Section.

(g) Damage to curb or sidewalks. It is the responsibility of the general contractor, permit holder or owner to inspect all curbs and sidewalks at or near the construction site, prior to commencement of construction. Any such damage must be reported to the Town Board prior to commencement of construction. Any damage not reported prior to the commencement of construction will be attributed to the general contractor, permit holder or owner. Not to run a vehicle over a curb in the Town, unless that curb shall have been properly blocked or ramped to ensure no damage to the curb. Properly blocked means adequately covered behind the curb with crushed stone to a sufficient depth to protect the back of the curb, and a 4x4 planking in front of the curb. All tires crossing the curb shall be supported in this manner. This requirement may be waived by the Building Inspector for good cause shown.

(h) Violations.

(1) If any general contractor, permit holder or owner is convicted of three or more violations of this Section within a six (6) month period, the Building Inspector shall have the authority to withhold building permits from such general contractor, permit holder or owner for a period of six (6) months.

(2) If any general contractor, permit holder or owner shall fail to pay any costs of any curb repair or sidewalk repair for damage to curbs or sidewalks caused by the construction activity, the Building Inspector shall have the right to withhold the issuance of building permits to that general contractor, permit holder or owner until such time as all repair costs have been paid.

(3) In addition to the penalty provided in this Subsection (t), the Town may clean up and/or repair, or contract for the clean-up and/or repair, and charge the costs of same to the general contractor, permit holder or owner who is found in violation of this Section. If the charges are not paid by the general contractor, permit holder or owner, the occupancy permit may be withheld.

(i) Town compliance. The Town will comply with this Section, but no penalties shall apply to the Town.

(j) Liability. The general contractor, permit holder and owner are jointly and severally liable for violations of this Section. It is the Town's intention to prosecute violations in the following order:

(1) First. General contractor.

(2) Second. Permit holder.

(3) Third. Owner.

5.64 ADOPTING OF STATE LAW REGARDING POSSESSION OF MARIJUANA.

The provisions of Sec. 66.107(l)(bm) Wis. Stats. as amended from time to time, regarding the possession of twenty-five (25) grams or less of marijuana as defined in Sec. 961.01(14) Wis. Stats., and subject to the exceptions in Sec. 961.41(3g)(intro) Wis. Stats., shall be punishable as a violation of this Code, except that any person charged with possession of more than twenty-five (25) grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana in the State of Wisconsin, shall not be charged under this paragraph.

5.65 POSSESSION, SALE OF ISOBUTYL NITRATE.

No person shall manufacture, possess, use, dispense, sell or hold for sale any isobutyl nitrate, or any compound or mixture or preparation containing significant amounts of isobutyl nitrate.

5.66 ADOPTION OF STATE LAW REGARDING POSSESSION OF SYNTHETIC CANNABINOID OR SALVIA PROHIBITED.

(1) *Intent*.

(a) The open sale of synthetic cannabinoid, commonly known as “K-2”, “Spice”, or by other street names, and the public consumption and use of so-called incense products and herbais is on the rise.

(b) Synthetic cannabinoid products have yet to be tested by the Federal Drug Administration and certified as safe for human consumption; and because they are sold as incense or potpourri, there is no health or quality assurance regulation to ensure these products are safe.

(c) The National Drug Intelligence Center of the U.S. Department of Justice indicates the adverse effects of synthetic cannabinoid, when smoked, include panic attacks, elevated pulse and blood pressure, intense hallucinations, and in some cases, seizures.

(d) Salvia divinorum (“Salvia”), when smoked, produces effects similar to that of marijuana or synthetic cannabinoid on the user.

(e) Regulation of synthetic cannabinoid and Salvia is necessary to promote the health, safety and welfare of the town.

(2) *Definitions*.

(a) *Salvia divinorum* means any plant material which contains the active chemical principle called salvinorin A.

(b) *Synthetic cannabinoid* includes the following chemicals, as identified by their common names: dimethylheptylpyran, “HU-210,” “JWH-018,” “CP-55940,” “HU-331,” “WIN 55,212-2,” or any cannabinoid derivative designed to mimic the physical, psychological, intoxicating, narcotic or other effects of marijuana.

(3) *Prohibition*. No person may possess or attempt to possess Salvia divinorum or any synthetic cannabinoid without a valid prescription or order of a practitioner who is acting in the course of his or her professional practice.

5.70 PENALTIES.

(1) FORFEITURES. The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided plus court costs and other fees as permitted under Wisconsin Statutes.

(2) STATE FORFEITURE STATUTE. Forfeitures for violation of any subparagraph of 5.06 shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.

(3) STATE FINE STATUTES. The forfeiture for violation of any statute adopted by reference hereunder for which a penalty is a fine shall not exceed the maximum fine permitted under such statute.

(4) LOCAL REGULATIONS. The penalty for violation of any other section of this Chapter, unless specified otherwise, shall be as set forth in the Town fee and bond schedule.

(5) JUVENILES. In the case of a juvenile, the penalty provisions may include a disposition which is hereby incorporated by reference from Wisconsin Statutes 48.344.

CHAPTER 6

ALCOHOL BEVERAGE LICENSING

6.01 Definition
6.02 Intoxicating Liquor and Fermented Malt Beverage State Statutes Adopted
6.03 License Applications
6.04 Licensing Procedures
6.05 License Fees
6.06 Inoperative or Unissued Licenses
6.07 Hearings for Suspension, Revocation, and Nonrenewal of Licenses
6.08 License Restrictions Generally
6.09 Procedure for Granting and Review of Operator's License
6.10 Quotas
6.11 Nude Dancing in Licensed Establishments Prohibited
6.12 Penalties

6.01 DEFINITIONS. As used in this chapter, the following terms shall have the following meanings:

(1) ALCOHOL BEVERAGES. Fermented malt beverages and intoxicating liquor.

(2) AVAILABLE LICENSE. A "Class B" (Liquor) license that may be granted because the Town has granted fewer of such licenses than permitted the Town under Sec. 125.51(4)(b)1g, Wis. Stats.

(3) CLUB. An organization, whether incorporated or not, which is the owner, lessee, or occupant of the building or portion thereof used exclusively for club purposes, which is operated solely for recreational, fraternal, social, patriotic, political, benevolent, or athletic purposes, but not for pecuniary gain and which only sells alcohol beverages incidental to its operation.

(4) FERMENTED MALT BEVERAGES. Any beverage made by the alcohol fermentation of an infusion in potable water of barley, malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5% or more of alcohol by volume.

(5) GRANTED LICENSE. A license approved for issuance by the Town Board. Issuance is conditioned upon verification by the Town Clerk that the licensee to whom the license has been granted is in compliance with this chapter and the "qualification provisions" of Chapter 125, Wis. Stats.

(6) INTOXICATING LIQUOR. All ardent, spirituous, distilled, or vinous liquors, liquids, or compounds, whether medicated, proprietary, patented or not, and by

whatever name called containing 0.5% or more of alcohol by volume, which are beverages, but does not include “fermented malt beverages” which contain less than 6% alcohol by weight.

(7) INOPERATIVE LICENSE. An issued license under which the licensed activity is no longer occurring on the licensed premises.

(8) ISSUED LICENSE. A license which has been granted, approved by the proper authorities, and delivered by the Town Clerk to the licensee.

(9) LICENSE. An authorization to sell alcoholic beverages granted by the Town Board under this chapter. The Board is hereby authorized to grant the following licenses:

(a) Class “A” (Beer) License. Authorizes retail sales of fermented malt beverages in original packages, containers, and bottles for consumption off the premises where sold.

(b) “Class A” (Liquor) License. Authorizes the retail sale of intoxicating liquor in original packages, containers, and bottles for consumption off the premises where sold.

(c) Class “B” (Beer) License. Authorizes retail sales of fermented malt beverages to be consumed whether on or off the premises where sold.

(d) “Class B” (Liquor) License. Authorizes the retail sale of intoxicating liquor for consumption on the premises where sold by the glass and not in the original package or container. Wine, however, may be sold for consumption off premises in original package or otherwise in any quantity.

(e) “Class B” Combination License. License which results when one licensee applies for both a Class “B” (Beer) license and a “Class B” (Liquor) license for use at one premises.

(f) Temporary Class B (Picnic) License. A temporary Class B (picnic) license is issued for a period not to exceed three consecutive days to bona fide clubs, county or local fair associations, or agricultural societies, churches, lodges, or societies that have been in existence for not less than six months prior to the date of the application, or to veteran organizations or posts, authorizing them to sell fermented malt beverages and wine containing not more than 6% alcohol by volume at a particular picnic, gathering, or meeting, or during a fair conducted by a fair association or an agricultural society.

(g) Wholesalers' Fermented Malt Beverage License. Authorizes the sale of fermented malt beverages only in original packages or containers to retailers or wholesalers not to be consumed on or about the premises where sold.

(h) "Class C" (Wine) License. Authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

(10) PERSON. A natural person, sole proprietorship, partnership, limited liability company, corporation, or association.

(11) PREMISES. The area described in a license or permit.

(12) REGULATION. Any rule or ordinance adopted by the Town Board.

(13) RESERVE LICENSE. A "Class B" (Liquor) license as defined in Sec. 125.51(4)(a)4, Wis. Stats., other than an available license, granted pursuant to Sec. 125.51(3)(e)2, Wis. Stats.

(14) RESTAURANT. Any building, room or place where meals or lunches are prepared, served, or sold to the general public.

(15) SELL, SOLD, SALE, OR SELLING. Any transfer of alcohol beverages with consideration or any transfer without consideration knowingly made for the purpose of evading the law relating to the sale of alcohol beverages or any shift, device, scheme, or transaction for obtaining alcohol beverages, including solicitation of order for, or the sale for future delivery of, alcohol beverages.

(16) WINE. Products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits or agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry, mead and sake, if such products contain 0.5% or more of alcohol by volume.

6.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGE STATE STATUTES ADOPTED. The following provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquors and fermented malt beverages, exclusive of any provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are hereby adopted and made part of this chapter as if set forth fully herein. Further amendments are also adopted prospectively, incorporated herein, and are intended to become a part of this Code.

(1) Sec. 125.04 General Licensing Requirements

(2) Sec. 125.06 License and Permit Exceptions

(3) Sec. 125.07	Restrictions on Sales to Minors and Intoxicated Persons; Presence of Minors in Places of Sale, and Possession by Minors; Penalties
(4) Sec. 125.085	Proof of Age
(5) Sec. 125.09	General Restrictions
(6) Sec. 125.17	Issuance of Operator's Licenses
(7) Sec. 125.32	General Restrictions and Requirements
(7m) Sec. 125.51	Retail Licenses and Permits [except Sec. 125.51(3)(b)]
(8) Sec. 125.66	Sales without License; Failure to Obtain Permit; Penalties
(9) Sec. 125.67	Evading Provisions of Law by Giving Away Intoxicating Liquor; Penalties
(10) Sec. 125.68	General Restrictions and Requirements

6.03 LICENSE APPLICATIONS. (1) GENERALLY. An application for a license must contain the following information and materials. Applications lacking any of the required information or materials shall not be accepted by the Town Clerk.

(a) Forms. Applications shall be made upon forms provided by the Town Clerk, which shall be completed in their entirety.

(b) Time Limitation. An application shall not be valid after the license year for which it is filed.

(c) Property Interest. Applications shall be accompanied by proof of one of the following:

1. Ownership of the premises to be licensed.

2. A valid option to purchase the premises to be licensed.

3. A valid lease for the premises to be licensed for the term of the license.

4. A valid option to lease the premises to be licensed for the term of the license.

(d) Statement of Intent. The applicant shall sign a statement of intent on a form to be provided by the Town Clerk. This statement shall include a provision that the applicant intends to personally operate under the license within 180 days of its granting by the Town Board and that the license shall be considered surrendered if the license is not issued within 180 days of the granting of the license. This time may be extended by the Town Board upon a finding that construction activities will delay the issuance. The applicant shall provide proof of such conditions upon application. The Town Board shall set a time limit for the issuance of such license, and the license shall be considered surrendered if the license is not issued within such time.

(2) TRANSFER APPLICATIONS. All applications for transfer of licenses from place-to-place and person-to-person are subject to the qualifications, review proceedings, and time constraints provided in this chapter and the Wisconsin Statutes. In addition, applications to transfer a license from person-to-person must be accompanied by written consent of the person from whom the license is to be transferred on a form provided by or acceptable to the Town Clerk.

(3) RENEWAL APPLICATIONS. All applications for renewal of licenses are subject to the qualifications, review proceedings, and time constraints provided in this chapter and the Wisconsin Statutes.

6.04 LICENSING PROCEDURES.

(1) TOWN BOARD APPROVAL. Applications complying with the provisions of this chapter and the Wisconsin Statutes shall be forwarded to the Town Board for action in the order in which they are filed, upon availability of a license of the type applied for. The Town Board shall review the application, the applicant's qualifications, and all other relevant factors and determine whether to grant the license application under the provisions of this chapter and the laws of the State of Wisconsin.

(2) CONDITIONAL APPROVAL. The Town Board may place additional conditions upon a license consistent with the provisions of this chapter and the laws of the State of Wisconsin. Violation of any such condition shall be considered a violation of this section and grounds for suspension or revocation of the license.

(3) ADMINISTRATIVE APPROVAL. Prior to the issuance of any license, the Fire Inspector shall certify on a form to be provided by the Town Clerk that the premises complies with all applicable laws and regulations. No license shall be issued for a premises not in compliance with such laws and regulations. The departments may place conditions upon a license consistent with the provisions of this chapter and the laws of the State of Wisconsin. Violation of any such condition shall be considered a violation of this section and grounds for suspension or revocation of the license.

(4) FORM AND EXPIRATION OF LICENSE. All licenses shall be numbered in the order in which they are issued. The date of issuance, the fee paid, name of the licensee and agent, trade name and address of the premises shall appear on said license. All retail licensees shall expire on June 30th following issuance unless sooner revoked or non-renewed. The Town Clerk shall affix to the license his or her affidavit as required by Sec. 125.04, Wis. Stats.

6.05 LICENSE FEES. The Town Clerk shall issue the following licenses to those applicants approved under the procedures set forth in this chapter and the Wisconsin Statutes. The Town Clerk shall be authorized to issue a Special Event or Picnic License upon receipt of proper application. The clerk shall not issue a license until the fee has been paid. The fees for the following licenses shall be set by the Town Board and incorporated in the Town of Freedom Fee and Forfeiture Schedule.

(1) Class "A" (Beer).

(2) Class "B" (Beer).

(3) Temporary Class B (Picnic) License.

(4) "Class A" (Liquor).

(5) "Class B" (Liquor).

(6) Wholesaler's Beer License.

(7) Operator's License. (Two-Year License); Provisional.

(8) Initial Issuance of a Reserve "Class B" (Liquor) License.

(9) "Class C" (Wine).

6.06 INOPERATIVE OR UNISSUED LICENSES. A license which has been granted but not issued or issued but not in continuous use in a manner indicating an ongoing business for a period in excess of 180 days is presumed invalid and shall be subject to revocation, unless otherwise authorized by the Town Board.

6.07 HEARINGS FOR SUSPENSION, REVOCATION, AND NONRENEWAL OF LICENSES. (1) INTENT. No license granted hereunder shall be suspended or revoked by the Town Board without first affording the license holder an opportunity for public evidentiary hearing.

(2) HEARING FORM. The Town Board shall conduct any hearing or prehearing as described in this subsection.

(3) GROUNDS. Licenses may be the subject of hearings as described in this provision for any violation of Ch. 125, Wis. Stats., or of the Town of Freedom Code of Ordinances, including, but not limited to, the following:

(a) The running of a disorderly house as proscribed by Sec. 125.12, Wis. Stats.

(b) Licensee or operator directly interfering with police officers or otherwise violating the law in a manner substantially related to the operation of the licensed facility.

(c) Any violation of any health code provision of this Municipal Code dealing with public health, welfare, and safety.

(d) Any building, fire, electrical, or plumbing code violation of this Municipal Code dealing with public health, welfare, and safety.

(e) Any liquor-related violation involving juveniles as prescribed by Ch. 125, Wis. Stats., (specifically Sec. 125.07, Wis. Stats.).

(f) Any violation of general statutory restrictions pertaining to licensed premises and operations as proscribed by Ch. 125, Wis. Stats.

(g) Any failure to maintain the qualifications required of all license holders as detailed by Sec. 125.04, Wis. Stats., and as modified by the conditions of this Code or as condition of granting or renewing a license.

(h) Any violation of any restriction, stipulation, or agreement entered into with the Town of Freedom or signed in consideration of a license issued by the Town under this chapter or Ch. 125, Wis. Stats.

(i) Whether the licensee and/or the licensee's agents, employees, and assigns have accumulated 12 or more demerit points within a 24 month period pursuant to the schedule below.

1. Point Schedule

POINT SCHEDULE

Ordinance and/or Statute Number	**Type of Violation**	**Points**
6.08(10)	Violation of Stipulation or Agreement Requiring Surrender of License	12
6.08(6)	Disorderly House Requiring Police Closure	12
Ch. 961 Wis. Stats.	Controlled Substance	12
139.08(4) Wis. Stats.	Refusing Police Entry	12
6.08(6)	Disorderly House	6

6.08(1)	Violation of Stipulation or Agreement (Except violations of a provision requiring license surrender)	6
6.08 125.32(3) & 125.68(4) Wis. Stats.	Open After Hours	6
6.02 125.07(3) Wis. Stats.	Underage Person on Licensed Premises	6
6.02 125.07(1) Wis. Stats.	Serving an Underaged Person	6
6.02 125.07(2) Wis. Stats.	Serving an Intoxicated Person	4
125.32(2) & 125.68(2) Wis. Stats.	No Licensed Bartender	4
	Other Nonenumerated Violations of this CH. 6, or Ch. 125, Wis. Stats.	3

2. This schedule shall not affect the discretion of the Town Board in determining whether a formal evidentiary hearing is warranted.

3. PREHEARING. Notwithstanding the provisions of Sec. 125.12, Wis. Stats., or (6) of this subsection, any State or Town agency may, by communication to the Town Board bring allegations of any violation of State liquor laws or any violation listed above before the Town of Freedom for prehearing as an item in the regular meeting of said Board. Conduct of such prehearing shall be informal, allowing the Town Board an opportunity to hear the allegations and permitting the accused licensee to respond if they so wish. The purpose of such prehearing will be to determine if the allegations are of such magnitude, importance, or otherwise of such nature to require a formal evidentiary hearing as provided by (5) below. After hearing the allegations and any response, the Board shall determine whether to recommend to the Town Board that: a formal evidentiary hearing be held; a letter of warning to become part of the licensee's permanent file be issued; or no action be taken. In determining the appropriate course of action, the Board shall consider:

(a) The licensee's history of convictions, charges, or complaints and the relationship of such history to licensed activities.

(b) The length of time since such conviction, charge, or complaint.

(c) The circumstances and seriousness surrounding the complaint(s) before the Board.

(d) The degree of personal rehabilitation since the last incident involving the licensee.

(e) The community's standards or interests to be protected.

(f) The need for formal hearing to clarify the facts in regard to factors listed above.

(g) The number of demerit points accrued pursuant to subsection (3)(g) above.

(4) BOARD ORDERED HEARING. If a prehearing is conducted, as provided in (3), and a formal evidentiary hearing is ordered by the Town Board, the Town Attorney, or a special prosecutor appointed for such hearing, shall draft a formal complaint and see to it that such complaint is served with a summons as provided in (5) below. The complaint may include any alleged violation of state or municipal liquor law occurring in the preceding license year which was not the subject of a hearing under this section. Such complaint shall be issued in the name of the complainant and shall state specific violations complained of and may include any other violations involving the licensee in the past two license years which have not been the subject of a formal hearing. The complaint shall be served with a summons as provided in (6) below. Any formal evidentiary hearing shall be held in conformity with the procedures in (6) below.

(5) HEARING PROCEDURES.

(a) Upon a verified complaint filed with the Town Clerk that any person licensed hereunder has violated the provision of Ch. 125, Wis. Stats., the criminal code of the State of Wisconsin, or any provision of the Code of Ordinances, including those listed in (3) above, or any other provision of this chapter of Ch. 125, Wis. Stats., the Town Board shall issue a summons signed by the Clerk directed to any peace officer or constable therein, commanding the person so complained of to appear before the Town Board on a day and at a place named in such summons, not less than three days nor more than 10 days from its date, and show cause why the license should not be suspended or revoked. Such summons shall be served at least three days before the time in which such person is commanded to appear, and shall be served as provided at Ch. 801, Wis. Stats.

(b) The licensee may be represented by counsel, present and examine witnesses, and have prepared at the licensee's expense a transcript of the hearing.

(c) The provisions of Sec. 125.12, Wis. Stats., shall govern the conduct of the hearing hereunder.

(6) RECOMMENDATIONS. At the conclusion of the evidentiary hearing, which may be held in open or executive session depending on the nature of the evidence to be produced, the Committee, following deliberation in open or executive session, shall

consider the factors listed at (4) and shall thereupon make specific findings of fact and conclusions of law, including one or more of the following determinations:

(a) No action should be taken due to insufficiency of the evidence.

(b) No action should be taken at present because of an accommodation on the part of the license holder has been reached.

(c) A warning letter be issued and the original thereof be retained in the licensee's file kept in the office of the Town Clerk.

(d) A suspension of not less than 10 days nor more than 90 days be imposed.

(e) The license be revoked or invalidated.

(f) The licensee be placed on probation, and the Town Board shall set conditions therefore.

(g) The complaint be tabled pending disposition of pending criminal or Municipal Court code violations, at which time the matter will be considered and a recommendation made.

(7) NONRENEWAL. A license may be non-renewed for any of the grounds identified in Sub. (3). Upon Town Board denial of the renewal, the Town Attorney shall notify the licensee in writing of the intention to non-renew. The licensee shall have 10 days to request, in writing, a formal evidentiary hearing. This hearing shall be held before the Town Board pursuant to Sec. 125.12(2)(b), Wis. Stats. The Town Board shall follow the procedure specified under that subdivision in making its determination.

(8) APPEAL. Appeal from the decision of the Town Board shall be to the Circuit Court for Outagamie County.

6.08 <u>LICENSE RESTRICTIONS GENERALLY</u>.

(1) STATUTORY REQUIREMENTS. Any license granted pursuant to this section to sell intoxicating liquor or fermented malt beverages shall be subject to the regulations, conditions, and restrictions imposed by Ch. 125, Wis. Stats. In addition, the Town of Freedom, pursuant to the authority of Sec. 125.10, Wis. Stats., adopts certain other restrictions and requirements specifically by this section.

(2) LOCATION. No Class "A" (Beer), "Class A" (Liquor), Class "B" (Beer), "Class B" (Liquor), or "Class C" (Wine) license shall be issued for a premises when any portion of the structure housing the premises would be less than 300 feet from any portion of a

structure housing any established public school, parochial school, hospital, or church. This subsection shall not apply to premises licensed as such on March 1, 2004, to any premises licensed as such prior to the occupation within 300 feet thereof of any school building, hospital building, or church building, nor to any Special Event or Picnic License.

(3) HEALTH AND SANITARY REQUIREMENTS. A Class “B” (Beer), “Class B” (Liquor), or “Class C” (Wine) license shall not be issued for any premises which does not conform to the sanitary, safety, and health requirements of the State Department of Industry, Labor, and Human Relations pertaining to buildings and plumbing, to the rules and regulation of the State Department of Health and Social Services applicable to restaurants, and to all such ordinances and regulations adopted by the Town. Should a licensed premises fall below such standards, the license may be revoked or suspended pursuant to Sec. 6.07, Freedom Municipal Code.

(4) DELINQUENT PAYMENT. The Town Clerk shall not issue a license to any applicant occupying a premises for which real or personal property taxes are delinquent or to an applicant otherwise indebted to the Town, unless such applicant shall make arrangements satisfactory to the Clerk to pay such debts not less than 30 days before the expiration of the license.

(5) CLOSING HOURS. No premises for which a Class “B” (Beer), “Class B” (Liquor), or “Class C” (Wine) license has been issued may remain open between the hours of 2:00 a.m. and 6:00 a.m., except as otherwise provided in this Chapter. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6:00 a.m. For the purposes of this section, “open” shall mean allowing any person, other than the licensee or an employee actively performing job-related duties, to enter, loiter, or remain in or on the licensed premises.

(a) A Class “B” (Beer) or “Class B” (Liquor) license premises must close in accordance with State law.

(b) On January 1, premises licensed under a Class “B” (Beer), “Class B” (Liquor), or “Class C” (Wine) license are not required to close.

(c) No premises for which only a Class “A” (Beer) license is issued shall be permitted to remain open between midnight and 6:00 a.m., for the purpose of selling fermented malt beverages. No deliveries of fermented malt beverages shall be permitted within the Town of Freedom between the hours of midnight and 6:00 a.m. A Class “A” liquor and beer premises must close in accordance with state law.

(d) Hotels and restaurants, whose principal business is furnishing of food, drinks, or lodging to patrons, bowling alleys, and golf courses may remain open for the conduct of their regular business, but may not sell alcoholic beverages during the

closing hours mentioned above. An establishment remaining open for the purpose of their regular business must, at all times, allow for open public access to the licensed establishment after such closing hours. In determining whether or not an establishment is open for the purpose other than selling alcoholic beverages, the burden shall be on the licensee.

(e) No person shall loiter in a licensed establishment after closing hours.

(f) No person shall carry out closed containers of alcohol beverages from a premises for which a Class “B” (Beer) or “Class B” (Liquor) license has been issued between the hours of Midnight and 6:00 a.m.

(6) DISORDERLY HOUSE.

(a) Duty to Maintain Order. A licensee under this section shall have a duty to maintain order and peace in and around the licensed premises. This duty shall extend to and include any adjacent parking lot or facility adjacent to and servicing the licensed premises.

(b) Police Power to Close Licensed Premises.

1. The Chief of Police may order any disorderly house closed until 8 a.m. the following day when, in the reasonable view of the Chief of Police, the licensee or person in charge failed to maintain peace and order as per (a) of this section, or the department otherwise believes that the public peace and safety is served by such closing by reason of threat to the bodily security, property, or peaceful repose of any member of the general public.

2. Outagamie County Health Department (“Department”) The Department may order the temporary suspension of a restaurant and beverage license where an imminent health hazard exists on licensed premises pending a hearing. Such closing may act as grounds for suspension or revocation of a liquor license privilege under this chapter.

(c) Open Containers. A licensee or person in charge shall not allow the sale, service or consumption of alcohol beverages in open containers outside the licensed premises.

(7) OUTDOOR AREAS.

(a) New Applications. An application for a license pursuant to this chapter may include an outdoor area in the proposed premises. The inclusion of the outdoor area in the licensed premises shall be subject to review in the same manner as any other license application and the restrictions provided in this section.

(b) Amendment. A licensee may apply to amend a licensed premises to include an outdoor area. The request shall be filed with the Town Clerk no less than 15 days prior to the first date of use of the outdoor area. The application for amendment shall be subject to review in the same manner as any other license application, inspection by the Building Inspector and Fire Inspector, and the restrictions provided in this section.

(c) Physical Requirements.

1. Immediately Adjacent. A licensed outdoor area must be immediately adjacent to the indoor portion of the licensed premises.

2. Fencing. A licensed outdoor area must be enclosed by a temporary fence approved by the Police Department or a permanent fence or permanent structure approved by the Building Inspector.

3. Ingress. A licensed outdoor area shall have no more than one means of direct ingress from unlicensed areas. This subsection shall not be construed to limit the means of access to or from the outdoor licensed area to indoor licensed areas.

4. Signage. Licensee shall display signage indicating No Carry Outs Allowed outside of the licensed outdoor area.

5. Modification. The requirements of this subsection may be waived by a two-thirds majority vote of the Town Board.

(d) Noise. No musical instruments, radios, juke boxes, or other means of electric sound amplification may be used or operated in a licensed outdoor area after 10:00 p.m. weekdays and 11:00 pm. on Friday and Saturday.

(e) Unlicensed Outdoor Area. An unlicensed outdoor area adjacent to and used in conjunction with the licensed premises shall not be used for the purpose of serving or consuming alcoholic beverages.

(f) Licensee Responsibility. Any licensed outdoor area is subject to all regulations of this chapter and Ch. 125, Wis. Stats.

(g) Maintaining Order. The licensee shall maintain peace and order over any outdoor area adjacent to and used in conjunction with a licensed premises whether or not said outdoor area is licensed. Violation of this section may result in the Chief of Police exercising his authority under Sec. 6.08(6)(b), Freedom Municipal Code, and ordering any outdoor premises or the entire licensed area closed in the public interest.

(8) RESTRICTIONS ON USE OF PICNIC LICENSE.

(a) Licensed Operators Required. No person holding a picnic license, as defined at Sec. 6.01(10)(c), Freedom Municipal Code, shall permit the sale of fermented malt beverages unless a person holding an operator's license, also issued under this chapter, is in direct supervision and control of the area(s) in which the sale of fermented malt beverages is occurring. Where two areas of sale are used pursuant to (b) herein, at least one licensed operator must be present and in supervision of each area of sale.

(b) Outdoor Use of Picnic Licenses. Where a picnic license issued under this chapter is intended for use for an outdoor gathering, such as a picnic or fair, the following regulations shall apply:

1. No more than two separate areas may be used to dispense fermented malt beverages.

2. Town reserves the right to require one uniformed police officer to be present at the outdoor event at all times while fermented malt beverages are being sold or dispensed, when required as part of license.

(9) VIOLATIONS OF STIPULATION OR AGREEMENT. No licensee may violate a provision of a stipulation or other agreement entered into with the Town of Freedom or signed in consideration of a license issued by the Town under this chapter or Ch. 125, Wis. Stats. Any person who violates this provision shall be subject to a penalty as provided in Sec. 6.10, Freedom Municipal Code.

(10) ALLOWING ENTRY. No licensee or person in charge may refuse entry of a police officer, peace officer or agent of the Department of Revenue to the licensed premises at any reasonable time to determine whether Ch. 125, Wis. Stats., and this chapter are being complied with. "Reasonable time" includes without limitation all times when the premises is open.

(11) PYROTECHNICS AND FIREWORKS. No licensee or person in charge shall permit a pyrotechnics show or the use of fireworks on the licenses premises.

(12) COMPLIANCE MEETING. If required by the Police Chief, prior to or near the annual renewal date for liquor licenses all Class A, B and C liquor licensees shall attend a meeting with the Freedom Police Department to review the State and Town Alcohol Beverage License Laws and Regulations.

6.09 OPERATOR'S LICENSE.

(1) APPLICATIONS.

(a) Application for operator's licenses shall be made to the Town Clerk on a form supplied by the Town Clerk's Office.

(b) Upon receipt of an application, the Town Clerk shall forward the application to the Chief of Police for verification of the veracity of the application as well as research into the qualifications of the applicant in accordance with the requirements of Sec. 125.04, Wis. Stats.

(c) All applications shall be accurately completed in its entirety or shall be rendered void by the Town Clerk.

(d) The license fee set out in Sec. 6.05(7), Freedom Municipal Code, shall be submitted with the application.

(e) Operator licenses may be granted by the Town Board without further review in the event the Chief of Police approves of the application.

(f) The license shall be issued for a period of two consecutive licensing years. At all times while engaged in activities requiring a license issued pursuant to this section, the licensee shall keep the following items available for production upon request of any Town or State inspecting officer: the operator's license and a valid form of identification issued by a governmental agency containing a photograph of the licensee.

(2) PROVISIONAL LICENSE. The Town Clerk shall be authorized to issue a Provisional Operator's License upon receipt of the regular Operator's License application. The requirements and provisions of Ch. 125.17, Wis. Stats., relating to Provisional Operator's License are hereby adopted and made part of this Code as if set forth fully herein. Future amendments are also adopted prospectively, incorporated herein, and are intended to become a part of this Code.

(3) DENIAL OF OPERATOR'S LICENSE.

(a) If the Chief of Police determines that any portion of the application is false or that the applicant does not possess the qualifications under Sec. 125.04, Wis. Stats., the license may be denied by the Chief of Police.

(b) The Town Clerk shall notify any applicant so denied.

(c) Any applicant whose application has been denied by the Chief of Police may appeal such determination to the Chief of Police. Upon appeal, the Town Board shall determine if the applicant possesses the qualifications of Sec. 125.04, Wis. Stats.

(4) ISSUANCE OF LICENSE. The Town Clerk shall not issue any operator's license until all the requirements above have been satisfied.

6.10 QUOTAS.

(1) In the interest of promoting effective and efficient enforcement of this chapter, quotas are hereby established limiting the number of each of the following types of licenses which may be granted as follows:

(a) "Class A" Fermented Malt Beverage Licenses. At such time that any "Class A" Fermented Malt Beverage License is surrendered to the Town, the Town Board will address the disposition of any surrendered license.

(b) "Class B" Fermented Malt Beverage Licenses.

(c) "Class A" Intoxicating Liquor Licenses. A Class "A" fermented malt beverage license issued for the same premises as a "Class A" intoxicating liquor license shall not be included in the quota established in para. (a).

(d) Combination "Class B" Beer and Liquor Licenses. (State Quota)

Reserve "Class B" Licenses: (State Quota)

Reserve "Class B" Licenses cannot be transferred to another place or premises within the municipality.

When the Town has granted or issued a number of Class B Liquor Licenses equal to its quota, the Town may issue a Class B Liquor License to any of the following:

1. A full service restaurant that has a seating capacity of 300 or more persons.

2. A hotel that has 100 or more rooms of sleeping accommodations and that has either an attached restaurant with a seating capacity of 150 or more persons or a banquet room in which banquets attended by 400 or more persons may be held.

(2) When the number of applicants for licenses exceeds the number available under the quotas set forth in this section, the Town Board will make a determination of the social and economic benefit of the proposed licensed venture to the Town. The Town Board will also determine if the applicant's establishment is in harmony with and

complimentary to other proposed or adopted plans for community development. At the discretion of the Town Board, the names of all applicants will be considered and the successful applicants be chosen and recommended by the Town Board for approval. The remaining applications will continue to be on file until the end of the license year applied for and may be reconsidered when other license opportunities become available.

6.11 NUDE DANCING IN LICENSED ESTABLISHMENTS PROHIBITED.

(1) PROHIBITIONS. It is unlawful for any person to perform or engage in, or for any license or manager or agent of the licensee to permit any person, employee, entertaining or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or

Shows any portion of the female breast below a point immediately above the tops of the areola; or

Shows the covered male genitals in a discernibly turgid status.

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

(3) DEFINITIONS. For purposes of this ordinance the term “licensed establishment” means any establishment licensed by the Town Board of the Town of Freedom to sell alcohol beverages pursuant to Ch. 125, Stats. The term “licensee” means the holder of a retail “Class A”, “Class B”, Class “B”, Class “A”, or “Class C” license granted by the Town Board of the Town of Freedom pursuant to Ch. 125, Stats.

6.12 PENALTIES.

(1) DEFINITIONS. As used in this section, the following terms shall have the following meanings:

(a) Licensee. The person to whom the license has been issued or such person’s agents, employees, or assigns.

(b) Violation. Any violation of this chapter, except violations of Sec. 6.02 Freedom Municipal Code, adopting Secs. 125.07(1), 125.07(4), 125.085, and 125.09(2), Wis. Stats.

(2) FORFEITURE. Any person violating a provision of this chapter where no penalty is specified shall be subject to a forfeiture of not less than $1 nor more than $500 for each offense.

(3) LICENSE SUSPENSION. A court shall suspend any license or permit issued under this chapter for:

(a) Not less than three nor more than seven days if the court finds that the licensee committed a violation within 24 months after committing one previous violation.

(b) Not less than seven nor more than 15 days if the court finds that the licensee committed a violation within 24 months after committing two previous violations.

(c) Not less than 15 nor more than 30 days if the court finds that the licensee committed a violation within 24 months after committing three previous violations.

(d) Not less than 45 nor more than 90 days if the court finds that the licensee committed a violation within 24 months after committing four previous violations.

(4) LICENSE REVOCATION. A court shall revoke any license or permit issued under this chapter if the court finds that the licensee committed a violation within 24 months after committing five previous violations.

(5) COUNTING. For purposes of counting previous violations under subsections (3) and (4) above, multiple violations arising out of the same incident and on the same date shall be considered a single violation.

(6) SPECIFIC VIOLATIONS. Any person violating Secs. 125.07(1), 125.07(4), 125.085, and 125.09(2), Wis. Stats., as adopted in Sec. 6.02, Freedom Municipal Code, shall be subject to the penalties provided therein.

CHAPTER 7

ZONING

Preamble. The Town Board of the Town of Freedom approves, so far as it affects the lands in the Town of Freedom, the Outagamie County Zoning Ordinance enacted by the County Board on July 5, 1989, and as presently amended. Previous certificates setting forth the approval of a resolution adopting the Outagamie County Zoning Ordinance for the Town of Freedom have been filed with the County Clerk of Outagamie County, Wisconsin, in accordance with Section 59.69(5)(c) Wisconsin Statutes. The Zoning Ordinance affected as of the adoption of the Code of Ordinances for the Town of Freedom is set forth hereinafter:

CHAPTER 8

PLANNING COMMISSION

8.01 Title
This ordinance is entitled the "Town of Freedom Plan Commission Ordinance."

8.02 Purpose
The purpose of this ordinance is to establish a Town of Freedom Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

8.03 Authority; Establishment
The Town Board of the Town of Freedom, having been authorized by the Town meeting under sec. 60.1O(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a seven (7) member Plan Commission under secs. 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Town Planning Agency" under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

8.04 Membership
The Plan Commission consists of at least one (1) but not more than two (2) members of the Town Board, one of whom may be the Town Board Chairperson, and at least five (5) but no more than six (6) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.

8.05 Appointments
The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. All appointments are subject to the advisory approval of the Town Board. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis. Stats.

8.06 Terms of Office
The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified, except:

(1) Initial Terms. If the initial appointments to the Plan Commission are made during April, the citizen members shall be appointed for staggered terms as follows: two (2) persons for a term that expires in one (1) year; two (2) persons for a term that expires in two (2) years; and two (2) persons for a term that expires in three (3) years. If the initial appointments are made after April, the first citizens appointed to the Plan Commission shall be appointed for staggered terms as follows: two (2) persons for a term that expires one (1) year from the previous April 30; two (2) persons for a term that expires two (2) years from the previous April 30; and two (2) persons for a term that expires three (3) years from the previous April 30.

(2) Town Board Member or Chairperson. The Plan Commission member who is a Town Board member or Town Board Chairperson, including a person designated the Plan Commission Chairperson, shall serve for a period of two (2) years, as allowed under sec. 66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.

8.07 Vacancies
A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

8.08 Compensation, Expenses
The Town Board of the Town of Freedom shall annually establish a per diem allowance for citizen members of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

8.09 Experts & Staff
The Plan Commission may, under sec. 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

8.10 Rules; Records
The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under secs. 19.21-19.39, Wis. Stats.

8.11 Chairperson & Officers

(1) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in sections 18.05 and 18.06 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:

(a) provide leadership to the Commission;
(b) set Commission meeting and hearing dates;

(c) provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
(d) preside at Commission meetings and hearings; and (e) ensure that the laws are followed.

(2) Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

(3) Secretary. The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(t), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

8.12 Commission Members as Local Public Officials
All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.
18.13 General & Miscellaneous Powers The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

(1) Necessary to enable it to perform its functions and promote Town planning.

(2) To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.

(3) To recommend to the Town Board programs for public improvements and the financing of such improvements.

(4) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.

(5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

8.14 Town Comprehensive Planning: General Authority & Requirements

(1) The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001(4), Wis. Stats.

(2) The Plan Commission shall make and adopt the comprehensive plan within

the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 20ID, so that the Town comprehensive plan is in effect by the date on which any Town program or action affecting land use must be consistent with the Town comprehensive plan under sec. 66.1001(3), Wis. Stats.

(3) In this section the requirement to "make" the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

8.15 Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment

The Plan Commission, in order to ensure that the requirements of sec. 66.1001 (4), Wis. Stats, are met, shall proceed as follows.

(1) Public participation verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.

(2) Resolution. The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under sec. 66. 1001, Wis. Stats., namely that:

(a) the Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;
(b) the plan contains the nine (9) specified elements and meets the requirements of those elements;
(c) the (specified) maps and (specified) other descriptive materials relate to the plan;
(d) the plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
(e) the Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the

governmental units specified in sec. 66.1001(4), Wis. Stats., and sub. (3) of this section.

(3) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:

(a) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.

(b) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.

(c) The Wisconsin Land Council.

(d) After September 1,2003, the Department of Administration.

(e) The regional planning commission in which the Town is located.

(f) The public library that serves the area in which the Town is located.

8.16 Plan Implementation & Administration

(1) Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:

(a) Zoning. A proposed Town zoning ordinance under village powers, secs. 60.22(3),61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis Stats., a Town exclusive agricultural zoning ordinance under subch. V of ch.91, Wis. Stats., and any other zoning ordinance within the Town's authority.

(b) Official map. A proposed official map ordinance under sec. 62.23(6), Wis. Stats.

(c) Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.

(d) Other. Any other ordinance specified by the Town Board (Note: e.g., historic preservation, design review, site plan review).

(2) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

(3) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.

(4) Program administration. The Plan Commission shall, pursuant to Town ordinances, have the following powers.

(a) Zoning review. The Plan Commission shall review, and make recommendations to the Town Board, on all zoning applications filed under the County Zoning Ordinance, relative to property within the Town.

(b) Subdivision review. Proposed plats under ch. 236, Wis. Stats, [and proposed subdivisions or other land divisions under the Town subdivision ordinance under sec. 236.45, Wis. Stats., shall be referred for review and recommendation to the Town Board.

(5) Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats, shall be consistent with that plan as of January 1, 2001. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

8.17 Referrals to the Plan Commission

(1) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:

(a) The location and architectural design of any public building.

(b) The location of any statue or other memorial.

(c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any

(i) street, alley or other public way;

(ii) park or playground;

(iii) airport;

(iv) area for parking vehicles; or

(v) other memorial or public grounds.

(d) The location, extension, abandonment or authorization for any publicly or privately owned public utility.

(e) All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.

(f) The location, character and extent or acquisition, leasing or sale of lands for

(i) public or semi-public housing;

(ii) slum clearance;

(iii) relief of congestion; or

(iv) vacation camps for children.

(g) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission;

(h) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning under village powers.

(2) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:

(a) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
(b) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
(c) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.
(d) Matters relating to the establishment or termination of an architectural conservancy district under sec 66.1007, Wis. Stats.
(e) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
(f) Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats.
(g) A proposed housing project under sec., 66.1211 (3), Wis. Stats.
(h) Matters relating to urban redevelopment and renewal in the Town required to be referred under subch. XIII of ch. 66, Wis. Stats.
(i) The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
(j) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

(3) Required referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matt ers shall be referred to the Plan Commission for report:

(a) Any proposal, under sec. 59.69, Wis. Stats., for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.
(b) Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.
(c) A proposed driveway access ordinance or amendment.
(d) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.
(e) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis Stats., and a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats.
(f) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
(g) A proposed site plan.
(h) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.

(i) A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.

(j) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.

(k) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.

(l) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.

(m) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.

(n) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.

(o) A proposed town airport zoning ordinance under sec. 114.136(2), Wis. Stats.

(p) A proposal to create environmental remediation tax incremental financing in the town under sec. 66.1106, Wis. Stats.

(q) A proposed county agricultural preservation plan or amendment, under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.

(r) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.

(4) Discretionary referrals. The Town Board, or other town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:

(a) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.

(b) A proposed county zoning ordinance or amendment.

(c) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.

(d) A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.

(e) A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.

(f) A proposed county plan, under sec. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.

(g) Any other matter deemed advisable for referral to the Plan Commission for report.

(5) Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

CHAPTER 9

BUILDING CODE

9.01 BUILDING INSPECTOR

The building inspector shall be appointed by the Town Board. No person shall interfere with such officer while in the performance of his duties under this chapter. The building inspector shall keep a record of all permits, fees and inspections as provided for in this chapter in the Clerk's office, and shall make quarterly reports to the Town Board for the Town of Freedom.

9.02 BUILDING PERMIT

(1) Permit Required. No building or structure or any part thereof shall be built, enlarged, altered, including interior alterations, moved or demolished within the Township unless a permit therefor shall first be obtained by the owner or agent from the building inspector.

(2) Application. Application for building permit shall be made in writing upon a form furnished by the Town and shall state the name and address of the owner of the land and also of the owner of the building, if different, the legal description or parcel number and the street address of the land upon which the building is to be located and shall contain such other information as the building inspector may require for effective enforcement of this section.

(3) Plans. With such application there shall be submitted two complete sets of plans and specifications including a plot plan showing the location of the proposed building with respect to the adjoining street, alleys, lot lines and buildings. Plans for buildings required to comply with the State Building Code shall bear a stamp or approval from the State Department of Industry, Labor and Human Relations. Such plans and specifications shall be submitted in duplicate. One set shall be returned after approval as herein provided. The other set shall remain on file in the office of the building inspector. All plans and specifications shall be signed by the designer.

(4) Waiver of Plans. If in the opinion of the building inspector, the work is sufficiently described in the application, he may waive the filing of plans and specifications, except that no waiver shall be permitted in the filing of the plot plan as required in (3) above.

(5) Approval of Plans. If the building inspector determines that the proposed building will comply in every respect with all ordinances of the township and all applicable laws and orders of the State of Wisconsin, he shall officially approve and sign one set of the plans, unless waived as provided herein, and return it to the owner, and shall issue a building permit therefor which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be

altered in any respect which involves any of the ordinances of the township laws and building or the occupants except with the written consent of the building inspector.
(6) Repairs. No permit shall be required for any repairs or minor alterations if the same should pertain to the replacement of siding, roof, doors, windows, eaves, porches, or chimneys, provided the same shall result in the building openings remaining the same size as existed prior to the repair. No permit shall be required for any other repairs unless the value of said repairs consisting of the cost of materials and the value of labor, whether purchased or provided, shall exceed $500.00 in value.

(7) Payment of Fees. All fees shall be paid as prescribed in this chapter and shall be paid before any permit shall be issued to the owner or his agent.

(8) Permit Lapses. A building permit shall lapse and be void unless operations under the permit are commenced within six (6) months from the date of issuance thereof.

(9) Revocation. If the building inspector finds at any time that the provisions of this code and any orders, plans and specifications are not being complied with and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building 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 of the property.

(10) Report of Violation. The Town Officials shall report at once to the building inspector any building work which is being carried on without a permit as required by this chapter. If confirmed by the building inspector that a violation is present, the Town shall take immediate action to enforce this ordinance.

(11) Curb-Cut Right-of-Way Permit. No building permit shall be granted nor construction commenced until a proper culvert shall be installed if needed. Town Officials shall determine whether a culvert is required.

(12) Fees. The fees for building permits shall be set by the Town Board by resolution.

(13) Site, Drainage and Erosion Control Plan. No building permit shall be granted for any residential, commercial, industrial or multi-family building until a site plan, drainage plan and erosion control plan has been submitted to, in compliance with Chapters 24 and 25 of the Code of Ordinances, and reviewed by the Plan Commission; and approved by the Town Board.

9.03(3) FEES FOR BUILDING PERMITS AND INSPECTIONS.

At the time the application for a building permit is filed, the applicant shall pay fees as set by the Town Board by resolution.

9.20 VIOLATION AND PENALTIES.

(1) No person shall erect, use, occupy or maintain any building in violation of any provision of this ordinance. Any person violating any of the provisions of the ordinance shall, upon conviction, be subject to a forfeiture in an amount to be determined by the Town Board annually, together with the costs of prosecution and, if in default of payment thereof, shall be imprisoned for a period of not less than one day or more than six months or until such forfeiture and costs are paid.

(2) If an inspection reveals a non-compliance with this ordinance, the building inspector shall notify the applicant and the owner in writing of the violations to be corrected. All cited violations shall be corrected within 30 days after written notification unless extension of time is granted.

(3) If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner, his or her representative and a copy thereof shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the building inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

(4) Each day each violation continues after the 30 day written notice period has run shall constitute a separate offense. Nothing in this ordinance shall preclude the town from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance.

(5) If any construction or work governed by the provisions of this ordinance is commenced prior to the issuance of a permit, double fees shall be charged.

CHAPTER 10

PUBLIC NUISANCE

10.01 <u>PUBLIC NUISANCE PROHIBITED.</u> No person shall erect, contrive, cause, continue, maintain or permit to exist, any public nuisance within the town.

10.02 <u>PUBLIC NUISANCE DEFINED.</u> A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time so as to:

(a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
(b) In any way render the public insecure in life or in the use of property;
(c) Greatly offend the public morals or decency;
(d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

10.03 <u>PUBLIC NUISANCES AFFECTING HEALTH.</u> The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace, health and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace, health or safety coming within the definition the town.

(1) <u>Illegal Buildings.</u> All buildings erected, repaired or altered in violation of the provisions of the ordinances of the town relating to materials and manner of construction of buildings and structures within the town.

(2) <u>Dilapidated Buildings.</u> All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

(3) <u>Burning of Refuse.</u> The burning of all trash, rubbish, refuse of any kind, shall be permitted within the Township of Freedom, Outagamie County, Wisconsin, in those areas where residential homes are less than 300 feet apart only between the hours of 4:00 P.M. and 9:00 P.M. on each day. It shall be unlawful for anyone to burn trash, rubbish, or refuse of any kind within the Town of Freedom in those areas where residential homes are less than 300 feet apart at anytime other than that permitted by this section. It shall be further unlawful for anyone to burn paper or other like man-made materials outdoors in the Township of Freedom, Outagamie County, Wisconsin, unless said burning is done in an incinerator or like type of container which will eliminate ashes from leaving the site of the burning.

(4) <u>Disposition of Waste Material.</u> It shall be unlawful for any person, corporation, partnership, or other type of organization, to deposit waste on lands in the Township of Freedom, Outagamie County, Wisconsin, unless there is first obtained from the clerk of the Town of Freedom, a permit authorizing such disposition. A separate

permit must be obtained by each property owner upon whose land such disposal of waste shall take place and such permit shall be valid for seven (7) calendar days after date of issuance. A permit shall not be required for deposit of waste on a duly licensed land fill site.

Waste as defined for the purposes of this ordinance shall mean garbage, sludge from waste water treatment plants, and other organic wastes but excluding from this definition animal manure commonly used by farmers for fertilizer.

The permit shall be obtained by applying to the Clerk of the Township of Freedom and such application shall be in writing and shall state the date that the disposal shall take place; the name of the property owner upon whose land such disposal shall take place; an adequate description of the lands upon which such disposal shall take place; the source from which the waste material is acquired; the name and address of the party transporting or delivering such waste material to the property owner in event the property owner is not such transporting party. A fee of $100.00 shall be charged for each permit. No permit shall be issued until the fee has been first paid to the Clerk. Applications for permit shall be made by the property owner upon whose land the disposal is to take place. A permit so acquired shall be displayed publicly on the premises upon which the waste disposal is being made.

It shall be unlawful for the property owner upon whose land such disposal of waste occurs to store or stockpile such waste delivered to the property. The application of the waste upon the property shall be not over three inches in depth in anyone place and may not be applied on the same property more often than once every four years. The property owner must work such waste into the soil within the time limits as may be prescribed by any regulations by the Department of Natural Resources of the State of Wisconsin but in no event shall said waste be on the property without being worked into the soil for a period of longer than 48 hours after the same has been applied.

The property owner, for the purposes of this section, is defined as being any person, partnership, corporation, or other type of organization owning, renting, or otherwise using or controlling the use of lands within the boundaries of the Township of Freedom, Outagamie County, Wisconsin, and upon whose land waste is disposed of or distributed requiring a permit under the terms of this section. A transporter, for the purposes of this section is defined to be any person, partnership, corporation, or other type of organization who, by truck, or other conveyance, hauls waste subject to the provision of this section within the boundaries of the Township of Freedom, Outagamie County, Wisconsin.

The Township of Freedom may require any transporter of waste materials in the Township of Freedom, for disposition on lands in the Township of Freedom pursuant to this section, to present an adequate analysis of the waste material so being transported for disposition so as to enable the determination as to whether bacteria harmful or injurious to the general public exists in such wastes. Failure on the part of a transporter to produce an adequate analysis upon request of the Town Clerk of the Township of

Freedom, shall constitute a violation of this section. The Township of Freedom reserves the right to take random samples of waste disposed of on lands in the Township of Freedom, pursuant to this section, at any time, and if such samples disclose bacteria harmful or injurious to the health of the general public, then the transporter of said waste material shall be in violation of this ordinance and subject to prosecution hereunder.

It is hereby declared to be the intention of the Town Board of the Township of Freedom that the several provisions of this section are separable in accordance with the following:

(a) If any court of competent jurisdiction shall adjudge any provision of this section to be invalid, such judgment shall not affect any other provisions of this section not specifically included in this judgment.

(b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this section to a particular property, such judgment shall not affect the application of said provisions to any other property not specifically included in said judgment.

10.04 ABATEMENT OF PUBLIC NUISANCES

(1) Enforcement. The Chief of Police, the Building Inspector and Health Officer shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does in fact exist.

(2) Summary Abatement. If the inspecting officer shall determine that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairman may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(3) Abatement After Notice. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within such 10 days, the proper officer shall cause the nuisances to be removed a provided in Sub. (2).

(4) Other Methods Not Excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.

10.05 COST OF ABATEMENT. In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed agent the real estate as a special charge.

10.06 CHRONIC NUISANCE PREMISES.

(1) Definitions. The following terms shall be defined as follows:

a. Chief. The Chief of Police or his or her designee.

b. Enforcement Action. Arrest, the issuance of a citation, or the issuance of a written or verbal warning.

c. Nuisance Activity. Any of the following activities, behaviors, or conduct occurring on a premises:

(i) An act of Harassment, as defined in §947.013, Wis. Stats.

(ii) Disorderly Conduct, as defined in §947.01. Wis. Stats.

(iii) Battery, Substantial Battery, or Aggravated Battery, as defined in §940.19, Wis. Stats.

(iv) Lewd and Lascivious Behavior, as defined in §944.20, Wis. Stats.

(v) Prostitution, as defined in §944.30, Wis. Stats.

(vi) Theft, as defined in §943.20, Wis. Stats.

(vii) Receiving stolen Property, as defined in §943.34, Wis. Stats.

(viii) Arson, as defined in §943.02, Wis. Stats.

(ix) Possession, Manufacture, or Delivery of a Controlled Substance or related offenses, as defined in Ch. 961, Wis. Stats.

(x) Gambling, as defined in §945.02, Wis. Stats.

(xi) Animal violations, as defined in §5.15 Code of Ordinances.

(xii) Trespassing, as defined in §943.13 and §943.14, Wis. Stats.

(xiii) Weapons violations, as defined in Chapter 943 Wis. Stats.

(xiv) Noise violations, as defined in §5.45 Code of Ordinances.

(xv) Any conspiracy to commit, as defined in §939.31, Wis. Stats., or attempt to commit, as defined in §939.32, Wis. Stats. any of the activites, behaviors, or conduct enumerated in subdivisions 3.a through n. above.

(xvi) The execution of arrest or search warrants at a particular location.

(xvii) Alcohol violations, as defined in §125.07, Wis. Stats.

(xviii) Obstructing or Resisting an Officer, as defined in §946.41, Wis. Stats.

(xix) Building Inspection related calls where the Police Department responds.

(xx) Owner. The owner of the premises and his or her agents.

(xxi) Premises. An individual dwelling unit, an apartment building (all units included as one premises), or an individual business premises and associated common areas.

(2) Notice. Whenever the Chief determines that three or more nuisance activities resulting in enforcement action have occurred at a premises during a 12-month period, the Chief may notify the premises owner in writing. In calculating the requisite nuisance activities, the Chief may count separate qualifying nuisance incidents resulting in enforcement action occurring on the same day (as long as they are distinct in time) or different days, but shall never count nuisance activities that were reported by the owner of the premises. The notice shall contain the street address or legal description sufficient to identify the premises, a description of the nuisance activities that have occurred at the premises, a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner.

(3) Abatement Plan. Any owner receiving notice pursuant to Sec. (2) shall meet with the Chief, or his/her designee, within 5 days of receipt of such notice. The parties shall review the problems occurring at the property. Within 10 days of this meeting, the owner shall submit to the Chief, or his/her designee, an abatement plan to end the nuisance activity on the property. The plan shall also specify a name, address,

and telephone number of a person living within 60 miles of the property who can be contacted in the event of further police, fire or inspection contact.

(4) Additional Nuisance Activity. Whenever the Chief determines that additional nuisance activity has occurred at a premises for which notice has been issued pursuant to Section (2) above, that this nuisance activity has occurred not less than 15 days after notice has been issued, and that reasonable efforts have not been made to abate the nuisance activity, the Chief may calculate the cost of police response and enforcement for this and any subsequent nuisance activities and cause such charges and administrative costs to be assessed and collected as a special charge.

10.07 WEEDS AND OTHER VEGETATION.

(1) Definitions.

a. Destroy. The complete killing of weed plants above the surface of the ground by the use of chemicals or by cutting at such time and in such manner as will effectively prevent such plants from maturing to the bloom or flower stage.

b. Preservation or restoration area. Any lands managed to preserve or restore native Wisconsin grasses and forbs, native trees, shrubs, wildflowers and aquatic plants; an old field succession of native and non-native plants, or a combination of these. Includes formerly farmed areas left to grow wild but does not include farmland left temporarily fallow for agricultural reasons.

c. Turf Grass. Grass commonly used in regularly-cut lawns or play areas such as, but not limited to, bluegrass, fescue and ryegrass blends.

(2) No person shall permit turf grass areas to grow to a height exceeding eight (8) inches above soil level on land that (s)he owns, occupies, or controls.

(3) No person shall permit grass or weeds to grow to a height exceeding twelve (12) inches on land that (s)he owns, occupies, or controls.

(4) Every person shall destroy all noxious weeds on land that (s)he owns, occupies, or controls. The term “noxious weeds” as used herein includes Canada thistle, leafy spurge, field bindweed (Creeping Jenny), wild parsnip and any others that may, from time to time, be added to the noxious weed list by the Town.

(5) No person shall plant or cultivate the following nuisance plant species on land which (s)he owns, occupies, or controls: multiflora rose, burdock, garlic mustard, purple loosestrife, glossy or common buckthorn, box elder, black locust, and any others that may, from time to time, be added to the nuisance plant list in by the Town.

(6) The Town’ Chairperson, or his(her) designee, shall give a seven (7) day written notice to the owner, occupant, or person in control of any land containing weeds

or grasses in excess of twelve (12) inches in height, or turf grass areas in excess of eight (8) inches in height, or any noxious or intentionally planted or cultivated nuisance plants, directing him(her) to forthwith comply with the provisions of this section.

(7) Exceptions to the requirements in 10.06(2) through 10.06(3), above, are specifically granted for the following:

a. Any land owned or leased by the Wisconsin Department of Natural Resources or owned by the Town that are preserved as natural areas by design.

b. Any land on a natural floodplain adjacent to, or waterway flowing to Apple or Duck Creeks or any other navigable waterway that has been allowed to remain in its natural state to enhance the water quality of those bodies of water.

c. Wooded areas or in tree lines where the distance between trees effectively prevents mowing of vegetation.

d. Parcels exceeding two (2) acres in size and contiguous to other parcels maintained as preservation or restoration areas.

e. For parcels over one (1) acre in size but less than two (2) acres in size that are contiguous to unplatted lands exceeding two acres in size and have been maintained as preservation or restoration areas. Areas beyond a yard maintained in turf grass surrounding the residence and extending to all abutting streets, providing that;

i. This yard shall, at minimum, extend out from the residence a distance equal to the required setback on each side of the house and to the full length or width of the lot measured along abutting street side(s) of the parcel. Setbacks distances referenced are those in the County Zoning Ordinance for side and rear yard setbacks for the zoning district of the parcel.

ii. Areas beyond this yard which are not on those sides of the lot that are contiguous to unplatted lands exceeding two acres in size and maintained as preservation or restoration areas, must also comply with 10.06(2) and 10.06(3), above.

f. Controlled plantings (beds) of:

i. Biennial or perennial native wildflowers and/or grasses intentionally planted in beds as a “prairie garden” or “rain garden;”

ii. Ornamental grasses.

g. On platted lands (subdivisions or developments) where covenants and restrictions specifically approved by the Town Board allow or require lots to remain in their natural or “rough” state.

h. Any parcel exceeding three (3) acres in size, and currently in "agricultural use", as defined in Section 66.0721, Wis. Stats.

(8) If any owner, occupant, or person in control of any such land fails, within seven days, to cut such vegetation, or to destroy such noxious or invasive weeds, then the Town will abate the violation, by mowing the vegetation or destroying such noxious or invasive weeds, and the costs of abatement, together with the costs of enforcement and administration shall be billed to the landowner. Such costs shall be placed on the tax roll as a special tax to be collected in the manner of other taxes, unless such lands are exempt.

(9) The Town shall annually on or before May 15 publish a Class 2 Notice that every person is required by law to destroy all noxious weeds and to cut all other weeds and grass exceeding twelve (12) inches, or turf grasses exceeding eight (8) inches, in height on land which the person owns, occupies, or controls. Failure to publish said notice shall not be a defense to any prosecution for violation of the provisions of this section.

10.08 PENALTY. Any person, partnership, corporation, or other entity, convicted of a violation of this chapter shall be fined not less than $50.00, nor more than $500.00 together with costs of prosecution of each offense. Every calendar day of violation shall be deemed to be a separate offense.

CHAPTER 11

TOWN ROADS

11.01 INTRODUCTION

(1) Purpose. The purpose of these regulations is to establish minimum standards for public roads in the Town of Freedom, Outagamie County, and to establish procedures for the acceptance of public roads by the Town of Freedom.

(2) Applicability. These regulations shall apply to all public roads and streets in the unincorporated area of the Town of Freedom.

11.02 PUBLIC ROAD CONSTRUCTION SPECIFICATIONS

(1) Right-of-Way and Roadway Widths. The minimum right-of-way width for public roads shall be 66 feet. The minimum roadway width for public roads shall be 28 feet without curb and 36 feet with curb, except as provided by Section 86.26 of the Wisconsin Statutes.

(2) Roadway Depth. Roadway depth shall not be less than 18 inches of dense base course composed of one or more courses or layers of coarse aggregate, either crushed gravel or crushed stone, fine aggregate and binder or filler of natural sand, stone sand or other finely divided mineral matter substantially free from organic matter or clay. Base courses shall have 9 inches of Gradation No. 2 in the bottom layers and 9 inches of Gradation No. 3 in the top layer. Base material shall not be deposited on a foundation that is soft or spongy, dry or dusty or covered with ice or snow. Base course materials shall be placed according to methods and procedures specified and approved by the Town Engineer.

(3) Roadway Surface. The minimum roadway surface width for public roads shall be 22 feet without curb and 30 feet with curb except as provided in Section 86.26 of the Wisconsin Statutes. Minimum roadway surface depth for public roads shall be 3½ inches of plant mixed bituminous concrete. Roadway surface materials shall be placed according to methods and procedures specified and approved by the Town Engineer and in accordance with the Town of Freedom Specifications for Street and Road Construction.

(4) Increased Standards. The Town Board may determine that a road be constructed to specifications beyond minimum standards for reason of volume of traffic, type of traffic or soil conditions. Cost of construction beyond minimum standards shall be borne by the developer/owner where higher standards are necessitated by the owner/developer's project. In other cases, cost of construction beyond minimum standards shall be borne by the Town.

11.03 EARTHWORK

(1) Clearing and Grading. Unless otherwise approved because of difficult or unique natural features, the entire right-of-way width shall be cleared of all vegetation and all obstructions shall be removed. Any existing culverts that the Town Board indicates shall be salvaged shall be carefully removed and shall be the property of the Town. All survey monuments shall be protected and replaced, if necessary, by a registered surveyor at the expense of the developer/ owner.

(2) Roadway Excavation. Prior to roadway excavation, the topsoil shall be removed to its entire depth from the limits of the right-of-way. Roadway excavation shall consist of the excavation and disposal of all materials taken from within the right-of-way for the construction of the roadway, roadbed, entrances, side ditches and drainage ways in accordance with and in conformity with lines and grades and cross-sections of approved plans.

(3) Embankments. Embankments shall be made from approve materials and shall contain no logs, stumps, brush or other organic material. Materials in the top 12 inches of the embankment shall be free of large stones, concrete or other materials which would effect scarifying, compacting and finishing the subgrade. All ice and snow shall be removed from the surface on which an embankment is to be placed. The material placed in an embankment shall be placed in layers starting at the lowest elevation. All layers shall be spread evenly to a uniform thickness. All fill shall be compacted to at least 95 percent for the top six feet and to 90 percent for portions beyond six feet.

(4) Geotextile Fabric. Approved geotextile fabric shall be installed for subgrade separation and stabilization, drainage filtration, subgrade reinforcement and under culverts and riprap as required by the Town Engineer.

(5) Erosion and Sedimentation Control. Erosion and sedimentation control shall consist of diverting flow, managing overland flow, trapping sediment in channelized .flow, establishing permanent drainageways, and protecting inlets in conformance with the "Wisconsin Construction Site Best Management Practice Handbook." Topsoil shall be replaced to a depth of at least 3 inches in all ditches and exposed areas which shall then be seeded and mulched.

11.04 DRAINAGE IMPROVEMENTS

(1) Curb and Gutter. Curb and gutter, where required, shall be installed with materials and by methods and practices specified and approved by the Town Engineer and in accordance with the Town of Freedom Specifications for Street and Road Construction.

(2) Pipe Culverts. Pipe culverts shall be installed with materials and by

methods and practices specified and approved by the Town Engineer and in accordance with the Town of Freedom Specifications for Street and Road Construction.

(3) Storm Sewers. Storm sewers, where required, shall be installed with materials and by methods and practices specified and approved by the Town Engineer and in accordance with the Town of Freedom Specifications for Street and Road Construction.

11.05 ADMINISTRATION

(1) Plans and Specifications. Prior to any construction the developer/owner shall submit finished plans and specifications to the Town Clerk for review and approved by the Town Board and/or the Town Engineer. Plans and specifications shall be reviewed within 45 days of submittal and be approved, approved with modifications or denied by the Town Board.

(2) Authority of Town Engineer. The Town Engineer shall have the authority to make determinations as to the suitability and acceptability of materials and construction methods and practices as set forth in "Specifications for Street and Road Construction for the Town of Freedom." The developer/owner may appeal any determination of the Town Engineer to the Town Board.

(3) Bonds and Insurance. Prior to any construction activity, the developer/owner may be required to furnish a performance bond, letter of credit or other financial guarantee to insure that work is completed in a satisfactory manner and that all obligations to subcontractors and material men have been satisfied. The developer/owner or his agents or subcontractors may be required to show adequate insurance coverage for injury to persons or damage to property in connection with the improvements to be constructed or installed.

(4) Inspection. During the course of construction, all materials, each part of the work and the methods and procedures of the work shall be subject at all times to inspection by the Town Board or the Town Engineer. The inspector shall be allowed access to all parts and all areas of the work and shall be furnished with such information and assistance as is required to complete a detailed inspection and insure conformity with the standards of this ordinance.

(5) Acceptance. At such time the developer/owner notifies the Town Clerk that in his/her opinion the work has been completed, the Town Board or Town Engineer shall make a final inspection. The Town Engineer shall make a written recommendation to the Town Board as to the acceptability of the improvement. Final acceptance shall require formal action by the Town Board.

11.06 SNOW, ICE AND DEBRIS

(1) Sidewalks to be Kept Clean: The owner or occupant of any lot or parcel shall remove all snow, ice, or debris which may have fallen or accumulated upon the sidewalk bordering such lot or parcel within twenty-four (24) hours after such snow, ice, or debris has fallen or accumulated; provided when ice has so formed that it cannot be removed, the owner or occupant shall keep the sidewalk surface sprinkled with a material which will prevent the sidewalk from being dangerous to pedestrians.

(2) If the owner or occupant fails to comply with this subsection, the Town Board or its designee shall cause the snow, ice, or debris to be removed or swept as required in this section and the cost thereof assessed against the property as a special charge pursuant to Wis. Stats. 66.60(16).

(3) In addition to any other charges under 11.06(2), the failure to comply with this sub-section shall subject the property owner or occupant or both to a forfeiture not less than $5.00 nor more than $500.00. Every calendar day a violation exists shall be deemed to be a separate offense.

11.065 DEPOSITING SNOW ON PUBLIC RIGHT OF WAYS.

(1) No person shall remove or cause to be removed any snow or ice from a premises owned or occupied by that person or from any residence, parking lot, parking area, filling station, business property or other property owned by occupied by said person by placing the said snow onto the traveled portion of any public right-of-way, including ditches, paths and walkways. Snow removed from public walks shall not be stored in any manner which shall obstruct or limit vehicular or pedestrian vision, movement or access.

(2) No person shall deposit any snow or ice upon the traveled portion of any sidewalk, alley or road or street of the Town of Freedom. Such action is declared a nuisance and the Police Department shall be empowered to issue citations for this violation, the penalty for which shall be amounts set forth in Town Fee Schedule, reference this code section. In addition to the penalties provided for the violation of this section, the town of Freedom may summarily remove any snow or ice so deposited and cause the cost of said removal to be charged to the owner of the property from which the said snow or ice has been removed and upon failure to pay the same said may be charged as a special charge upon the tax bill to the owner of the property from which the snow or ice removal was necessitated.

(3) No person shall interfere with the accessibility to a fire hydrant by piling or dumping materials (including snow or ice) near it without first obtaining permission from the appropriate municipal authority. The material piled or dumped near the hydrant includes snow and ice removed from private property. Every day which such interference continues constitutes a separate offense.

11.07 REGULATION OF TOWN RIGHT-OF-WAYS.

(1) Driveways and Culverts.

(a) Approval Required. No person or other entity shall construct or maintain any driveway across any ditch, sidewalk, or curbing, or enter any road without first obtaining a Driveway/Culvert Permit from the Town Engineer or a designated representative thereof.

(b) Commencement of Work. No building permits shall be issued, nor excavation begun, where a culvert shall be installed, unless prior thereto a permit for the proper size and type of culvert is first obtained from the Town and the permit fees required by this Ordinance have been paid to the Town. The actual placing and covering of the installed culvert shall be accomplished in accordance with the specifications set forth on the Driveway/Culvert Permit.

(2) Permit Fee.

A permit fee shall be charged for the issuance of each permit designated for the installation of a driveway or culvert as set forth in subsection (1). The fee shall be established annually by the Town Board.

(3) Side Slopes.

Any person or entity constructing or maintaining a driveway or installing a culvert on a Town road, may pave the side slopes of the driveway provided that, only asphalt with a uniform thickness of one and one-half inches from top to bottom, can be used as a paving material and further provided that the slope shall match the slope of the endwall on the patented, manufactured endwall of the culvert. If the general topography of a property, or other factors unique to a specific property, make maintenance of the above ratios unreasonable, then, upon written request of the property owners, or the owners, contractor or agents, the Town Board may grant a special exception to the slope requirements.

(a) Driveway Materials.

Any person or entity constructing or maintaining a driveway on any Town Road, with a maximum speed limit of 25 miles per hour, and without curb and gutter, may use concrete as a paving material, and may extend the driveway into the Town right-of-way to meet the existing road pavement; provided that the concrete edges of the driveway must be sloped to the ditch. The Town shall not be responsible for any damage to cement driveways extended into the right-of-way caused by Town equipment, or the Town exercising its rights within the right-of-way. Any such damage shall be replaced or repaired by the Property owner, at the owner's expense.

(4) Excavations, Alterations, or Obstructions within Town Right-of-Way.

(a) No individual, partnership, or corporation shall cause any excavation, alteration or obstruction within Right-of-Ways or Easements without first obtaining a Permit to Excavate in Public Right-of-Way. No rock gardens, boulders, benches, fences, walls, planters, or structures of any kind shall be built or maintained in any public Right-of-Way.

(b) Any contractor installing a utility service or utility mainline extension shall provide a detailed drawing showing all existing utilities, structures, and improvements in the proposed installation area, including the proposed location of the new work and erosion control, which shall accompany the permit application. Contractors must apply for and get approved a Permit to Excavate in Public Right-of-Way prior to any utility construction. There shall be no permit fees for the installation of utilities requested by the Town.

(c) Street light installation - there shall be no permit fee for the installation of street lights requested by the Town, and the above-described fees shall be waived for installation of street lights.

(d) Any applicant who receives a Permit to Excavate in Public Right-of-Way for the installation of utility service connections or utility mainline extensions, or for the installation of street lights or other utilities shall notify the Town 48 hours prior to commencing work within the Town Right-of-Way.

(e) Before a Permit to Excavate in Public Right-of-Way may be issued for a utility excavation, alteration, or improvement within a Town Right-of-Way, the applicant must furnish the Town Clerk with written evidence that he has in force and shall maintain during the course of the work, public liability insurance of not less than $100,000.00 for one person, $300,000.00 for one accident, and property damage insurance of not less than $100,000.00. In addition, the applicant shall provide the Town Clerk's office with written evidence that the applicant is bonded for the work defined in the approved permit to insure the proper performance, installation, and restoration of the work.

(f) In the event of the failure of the applicant to properly perform the conditions of the approved permit, the Public Works Supervisor or Town Engineer shall give to the applicant a thirty (30) day notice in writing, to repair, modify, or restore said conditions according to the specifications of the Town. At the expiration of the thirty (30) days, the Town, or it's contractor shall perform the necessary repair, modification, or restoration, as determined by the Public Works Supervisor or Town Engineer, and shall draw on the bond for the cost of said repair, modification or restoration for the construction/excavation.

(5) Violation and Penalty.

(a) Notice of Violation. In the event of the failure of the permit holder to properly install the driveway, culvert, or side slopes, or properly excavate and install any utility connections, upon a finding of the Town Engineer or the Public Works Supervisor of said improper installation, the permit holder shall be given thirty (30) days notice, in writing, to repair, modify, or reinstall the driveway, culvert, or side slopes or excavation or utility connections, according to the specifications of the Town. At the expiration of the thirty (30) days, the Town shall cause the installation to be reinspected and the charges for the re-inspection shall be borne by the permit holder.

(b) Abatement. In the event that the permit holder continues to fail to follow the specifications and has not repaired the improper excavation or installation within the period of thirty (30) days, following the written notice, the Town will move to make the repairs in the appropriate manner. The determination of the defective installation shall be made by the Town Engineer, in writing to the Town Board. The permit holder will be responsible for all costs of additional engineering, expenditures for work by the Town and the costs of hiring the repairing and replacement of the driveway, culvert, side slope installation, utility, or other work.

(c) Forfeiture. Any person or entity who fails to comply with the provisions of this Section 11.07 shall, upon conviction thereof, forfeit not more than $500.00 and not less than $50.00, along with the costs of prosecution for each violation. Each calendar day of violation shall be considered a separate offense.

11.08 PLACEMENT AND MAINTENANCE OF STREET ADDRESS SIGNS.

(1) Requirements for the Provision, Placement and Maintenance of Street Address Signs. All buildings/structures for residential, commercial, industrial or other uses in the Town of Freedom shall be assigned a 911street name and number.

(2) Assignments of Numbers. The 911 numbers shall be assigned by the Outagamie County Planning and zoning Department pursuant to the ordinances of the Outagamie County Board of Supervisors. Notification from the County shall be sent to the Town at W2004 County Road S, P. O. Box 1007, Freedom, Wisconsin 54131, for the newly assigned 911 street addresses.

(3) Costs. The fees associated with the sign containing the 911 street address and the associated post shall be collected from the applicant at the time any building permit is issued for a building/structure within the Town of Freedom. The fee shall be established annually by the Town Board.

(4) Installation.

(a) It will be the responsibility of the town of Freedom to obtain and install the sign containing the 911 street address after notification is received from the Outagamie County Planning and Zoning Department.

(b) Installation of the post and sign containing the 911 street address shall be completed by Town authorized personnel.

(c) Each property is required to display the Town adopted, standardized sign containing the 911 street address, provided by the Town of Freedom.

(d) The sign posts shall be located as follows: (1) within ten (10) feet of either side of the main driveway serving a property; (2) on a separate sign post located behind the mailbox if the mailbox is located on the same side of the road, and in front of, the residence on the property; and (3) at an alternate location selected by the Town, where topography, road maintenance requirements, or other circumstances require.

(5) Maintenance.

(a) Property owners are responsible for maintaining their sign in a fashion that meets the requirements of this Chapter and subsequent amendments. Failure to maintain their sign containing the 911 street address and/or the post, after notification, will cause property owners to be subject to the penalty provision identified under Section 11.07(6).

(b) Every owner shall be responsible for maintaining the area around the sign free from obstructions, including but not limited to, structures, trees, bushes, shrubs and accumulations of ice or snow.

(c) Every owner shall be responsible for maintaining the integrity and function of the sign. Any damaged, missing or worn sign shall be reported to the Town and a new sign shall be ordered within thirty (30) days.

(6) Penalties. Any property owner who refuses to post, removes, destroys, obstructs or alters a sign containing a 911 street address that was erected pursuant to this chapter, shall be subject to punishment according to the general penalties and forfeitures described in the Town Fee and Forfeiture Schedule.

11.09 MAILBOXES. ***[Amended 02-25-2015 by Ord. No. 15-05]***

(1) Mailboxes. Mailboxes shall be installed in accordance with United States Postal Service regulations but as far from the Town roadway pavement as those regulations allow. While curbside mailboxes are allowed on streets,

avenues or other roadways, the mailbox owner must comply with the following installation and maintenance requirements:

(a) The bottom of the mail box shall be no greater than forty-eight (48) inches nor less than forty-two (42) inches above the traveled pavement surface of the road. Lateral placement of the mailbox shall be six inches to eight inches from the face of the curb, as defined by USPS installation requirements. Mailbox supports and attachments shall be strong enough to withstand the pressure and thrust of plowed, wet snow but shall not be so formidable and massive as to damage vehicles and cause serious injury to people who may accidentally strike them.

(b) The mailbox support post shall be of a breakaway support design, as defined by ASHTO. The support post shall be no larger than a four-inch-by-four-inch wood post or a metal post with a strength no greater than a two-inch diameter Schedule 40 steel pipe and which is buried no more than 24 inches deep. Such a support post shall not be set in concrete unless specifically designed as a breakaway support system as defined in "A Guide for Erecting Mailboxes on Highways" published by the American Association of State Highway and Transportation Officials, May 24, 1984 (ASHTO). The use of supports such as heavy gauged metal posts, concrete posts, miscellaneous items of farm equipment, and milk cans filled with concrete, is prohibited and considered a detriment to public safety.

(c) Mail boxes should be located, where practical, on the far side of the driveway and should be placed to avoid blind spots or the creation of poor sight distances. Mail boxes shall be placed away from any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic control device.

(d) The post-to-box attachment shall be of sufficient strength to prevent the box from separating from the post if a vehicle strikes the post.

(e) Property owner shall be responsible for the maintenance of the curbside mailbox. If any type of mailbox located in the Town right-of-way is subject to damage or destruction, at any time, as a result of the Town or a person with a utility easement entering upon the Town right-of-way to construct, repair or maintain the utilities located in the Town right-of-way, the Town or the utility that damaged the mailbox shall replace said mailbox, if it has been approved for installation by the USPS with the proper markings inscribed "U.S. MAIL" and APPROVED BY THE POSTMASTER GENERAL." The Town will replace the damaged mailbox with a comparable mail box with a value not to exceed $50. The property owner may also elect to accept a $50 payment from the Town towards the

purchase of a replacement mailbox in lieu of the Town selecting and re-installing a replacement mailbox.

(f) Existing mail boxes on roads with posted speed limits of 25 MPH or less prior to the adoption of this ordinance are exempt from these standards.

CHAPTER XII

MOBILE HOMES

12.01 INTRODUCTION

(1) Statutory Authorization. This ordinance is established pursuant to the provisions of Sections 66.0435 and 60.61 Wis. Stats.

(2) Purpose. It is the purpose of this ordinance to protect and promote public health, safety, convenience and general welfare; to protect property values and the property tax base; and to equitably defray the cost of municipal and educational services required by persons and families owning or occupying mobile homes.

12.02 DEFINITIONS

(1) Mobile Home: A vehicle or structure designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid, uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile Home" includes the mobile home structure, plumbing, heating, air-conditioning and electrical systems and all appliances and all other equipment carrying the manufacturer's warranty. For purposes of this ordinance, all "Manufactured Homes" and "One and Two Family Dwellings" which do not meet the standards as set forth in 12.02(7) shall be considered a mobile home.

(2) Mobile Home Park. Premises designed and maintained for the location of two or more mobile homes under a continuing local general management and including special facilities for common use by the occupants such as open space areas and recreational areas and buildings.

(3) Mobile Home Site. A mobile home site is a parcel or lot within a mobile home park, designated for the accommodation of not more than one mobile home.

(4) Mobile Home Subdivision. Premises where more than two mobile homes are located for non-transient living purposes and where lots are set aside and offered for sale for use by mobile homes for living purposes.

(5) Manufactured Home: A manufactured home is defined as one of the following:

(a) A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected onsite is 320 or more square feet, and

which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

(b) A structure which meets all the requirements of par.(a) except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 USC 54012 to 5425.

(6) <u>One and Two Family Dwellings</u>:

A structure which is intended for use as a dwelling for one and two families which does not qualify under the definition of "Mobile Home" or "Manufactured Home".

(7) <u>Standards for all Dwellings outside Mobile Home Park or Mobile Home Subdivision</u>:

All structures intended for use as dwellings located outside of a mobile home park or mobile home subdivision, whether a mobile home, manufactured home or one and two family dwellings' shall meet the following construction standards:

(a) Shall have a permanent foundation meeting the requirements of the State and Town Uniform Dwelling Code which foundation surrounds the entire perimeter of the structure and completely encloses the space between the siding and the finished grade.

(b) Shall have a non-metallic, wood shake, asphalt or fiberglass singled roof with a minimum slope of 4:12.

(c) Shall have a core area of with a minimum width of 24 feet and minimum length of 24 feet. The core area is that area including, but not limited to, kitchen, living room, dining room/family room, and bathroom.

12.03 GENERAL PROVISION

(1) No mobile home shall hereafter be moved, placed, used or occupied for dwelling purposes except as follows:

(a) Mobile homes placed prior to the effective date of adoption of this ordinance.

(b) Mobile homes after the effective date of adoption of this ordinance as a replacement for a mobile home placed prior to adoption of this ordinance provided

the replacement mobile home is placed on the site within 12 months of removal of original mobile home.

(c) Mobile homes in a licensed mobile home park.

(d) Mobile homes in an approved mobile home subdivision.

(e) Mobile homes for temporary occupancy not to exceed twelve (12) months, as a result of the loss of the permanent dwelling.

12.04 MOBILE HOME PARK LICENSES AND FEES

(1) License. No person shall maintain or operate a mobile home park unless such person first obtains a license from the Town Board. The license shall expire one (1) year from the date of issuance. The licenses shall be issued by the Town Clerk.

(2) Application for Mobile Home Park License. An original application for mobile home park license shall be filed with the Town Clerk. Applications shall be in writing and signed by the applicant and shall contain the following:

(a) The name and address of the applicant.

(b) The location and legal description of the park.

(c) A complete plan of the park.

(d) Plans and specifications in compliance with all applicable county, town, and Department of Health and Social Services ordinances and rules.

(3) License Fee. The annual license fee is $100.00 for each 50 spaces or sites, or fractions thereof, within each mobile home park, payable upon the original application and/or renewal application.

(4) License Renewal. Upon application by a licensee, after approval by the Town Board, and after payment of the annual license fee, the Town Clerk shall issue a certificate renewing the license for another year, unless sooner revoked. The application for renewal shall be in writing, signed by the applicant on forms furnished by the town.

(5) Transfer of License. Upon application for a transfer of license, after approval of the application by the Town Board, the Town Clerk shall issue a transfer upon payment of a $10.00 fee.

(6) Revocation. Any license granted shall be subject to revocation or suspension for cause by the Town Board upon complaint filed with the Clerk, signed by any law enforcement officer, health officer or building inspector after a public hearing

upon such complaint, provided that the holder of such license shall be given 10 days' notice in writing of such hearing, and he shall be entitled to appear and be heard as to why such license shall not be revoked. Any holder of a license which is revoked or suspended by the Town Board may within 20 days of the date of such revocations or suspension appeal therefrom to the circuit court by filing a written notice of appeal with the Town Clerk, together with a bond executed to the Town, in the sum of $500.00 with 2 sureties or a bonding company approved by the Clerk, conditioned for the faithful prosecution of such appeal and the payment of costs adjudged against him.

12.05 MONTHLY FEES

(1) Mobile homes occupying spaces or lots in a mobile home park shall be subject to a monthly parking fee as provided by Section 66.0435(3)(c) Wis. Stats.

(2) Mobile homes located outside of a mobile home park shall be subject to a monthly parking fee as provided by Section 66.0435(3)(e) Wis. Stats.

(3) Failure to pay fees shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under Chapters 70 and 74, Wis. Stats.

(4) Failure to comply with the reporting requirements of Sections 66.0435(3)(c) and 66.0435(3)(e) Wis. Stats., shall result in a forfeiture of $25.00. Each failure to report shall be considered as a separate offense.

12.06 MOBILE HOME PARK AND SUBDIVISION STANDARDS

(1) Applicability. Each mobile home park and mobile home subdivision shall comply with standards contained in the Outagamie County Zoning Ordinance, 1989 as amended, and Chapter HSS 177, Wis. Admin. Code.

(2) Plans. Plans for mobile home parks and mobile home subdivisions as required by Outagamie County Zoning Ordinance, 1989 as amended and Chapter HSS 177, Wis. Admin. Code, shall be filed with the Town Clerk.

12.07 EFFECTIVE DATE AND VIOLATIONS

(1) This ordinance shall take effect upon passage and posting as provided by law.

(2) Any person who violates a provision of this ordinance shall, upon conviction, forfeit not less than $25.00 nor more than $500.00 for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

CHAPTER 13

SNOWMOBILE REGULATIONS

13.01 STATE SNOWMOBILE LAWS ADOPTED

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

(a)	350.01	(Definitions)
(b)	350.02	(Operation of snowmobiles on or in the vicinity of a highway)
(c)	350.03	(Right-of-way)
(d)	350.04	(Snowmobile races, derbies and routes)
(e)	350.045	(Public utility exemption)
(f)	350.047	(Local ordinance to be filed)
(g)	350.05	(Operation by youthful operators restricted)
(h)	350.055	(Safety certification program established)
(i)	350.06	(Firearms and bows)
(j)	350.07	(Driving animals)
(k)	350.08	(Owner permitting operation)
(1)	350.09	(Head lamps, tail lamps and brakes)
(m)	350.10	(Miscellaneous provisions for snowmobile operation)
(n)	350.12	(Registration of snowmobiles)
(o)	350.13	(Uniform trail signs and standards)
(p)	350.15	(Accident and accident reports)
(q)	350.17	(Enforcement)
(r)	350.18	(Local Ordinances)
(s)	350.19	(Liability of land owners)
(t)	350.11	(Penalties)

13.02 APPLICABILITY OF RULES OF THE BOARD TO SNOWMOBILES

The operator of a snowmobile upon a roadway shall, in addition to the provisions of Chapter 350 be subject to secs. 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 34633, 346.35, 346.37, 346.39, 346.40, 346.44, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1)(6), (6m), and (9) or Town of Freedom ordinances adopting the same.

13.03 UNATTENDED SNOWMOBILES

No person shall leave or allow a snowmobile owned or operated by him to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

13.04 OPERATION ON SIDEWALKS, PUBLIC RIGHT-OF-WAYS, SCHOOL AND OTHER PUBLIC PROPERTY PROHIBITED

Except as permitted by Secs. 350.02, 350.03, and 350.04, Wis. Stats., no person shall operate a snowmobile upon any sidewalk or pedestrian way, public right-of-way, public park, public skating rink, public lake or lagoon, school grounds and premises, or on any other public property in the town without the consent of the owner of such property.

13.05 PERMITTING OPERATION BY IMPROPER PERSONS PROHIBITED

No owner of person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under state law to operate such snowmobile or who is under the influence of an intoxicant or a dangerous or narcotic drug.

13.06 OPERATION WHILE UNDER INFLUENCE PROHIBITED

Section 346.63 Wis. Stats. or Town of Freedom ordinance adopting same, shall apply to the operation of a snowmobile any place within the town.

13.07 WRITTEN CONSENT OF OWNER REQUIRED

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

13.08 SNOWMOBILE ROUTE.

The following is designated as a snowmobile route granting to the general public the right to operate snowmobiles over and across the said route on the town highway in the Town of Freedom, Outagamie County, State of Wisconsin, subject to the limitations and conditions of the statutes of the State of Wisconsin, and the ordinances of the Town of Freedom regulating use of the snowmobile route. The snowmobile route is hereby designated as exists from the intersection of Highway 55 and Patrick Street along Patrick Street to Twin Court; from Twin Court to Bank Drive; from Bank Drive to Highway "E". Said snowmobile route is designated subject to the provisions relating to the placing of proper signs and regulations regarding snowmobile route.

13.09 SNOWMOBILE ACCESS

(1) Intent: The intent of this section is to provide a means for persons to travel from a residence and lodging establishment within the limits of the Town of Freedom, Outagamie County, Wisconsin, for the shortest distance that is necessary for a person to operate a snowmobile to the snowmobile route or trail that is closest to that residence and lodging establishment.

(2) Statutory Authority: This section is adopted as authorized under Sec. 350.18(3)(a), Wis. Stats.

(3) Designated Highways: No person shall operate a snowmobile on a roadway or shoulder of a highway not designated as a snowmobile route other than the following listed roadways or shoulders:

Bonnie Street
Hooyman Court
Blarney Court
Shamrock Circle
Dublin Way
Chestnut Lane
Birch Trail
Liberty Lane

(4) Conditions: This section designates the roadways and/or shoulders of specific highways for snowmobile travel by persons residing in or staying at a lodging establishment within the limits of the Town of Freedom, Outagamie County, Wisconsin, to travel for the shortest distance that is necessary to reach the snowmobile trail or route that is closest to that residence or lodging establishment subject to the following condition: A snowmobile operated on a portion of the roadway or shoulder of a highway pursuant to this section shall observe roadway speed limits.

13.10 ENFORCEMENT

This Ordinance shall be enforced by any law officer of the Town of Freedom, Outagamie County, Wisconsin.

13.11 PENALTIES

Wisconsin state snowmobile penalties as found Sec. 350(11)(a), Wis. Stats. are adopted by reference.

13.12 SEVERABILITY

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance

irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

CHAPTER 14

LAW ENFORCEMENT
SUB-CHAPTER A
FREEDOM BOARD OF POLICE COMMISSIONERS

14.01 TOWN POLICE DEPARTMENT: The Town of Freedom Police Department is hereby established pursuant to Wisconsin Statutes Section 60.56(1).

14.02 BOARD OF POLICE COMMISSIONERS: The Freedom Board of Police Commissioners is hereby established pursuant to Wisconsin Statutes 60.57. The Board of Police Commissioners shall be organized pursuant to Wisconsin Statutes Section 62.13(1):

(1) The Board of Police Commissioners shall consist of five citizens; no more than three shall belong to the same political party.

(2) The Town Chairman shall appoint the initial Board of Police Commissioners to five years staggered terms. Thereafter between the last Monday in April and the first Monday in May of each year, the Town Chairman shall appoint one member for a five year term. All appointments shall be in writing and filed with the Secretary of the Board.

(3) The Board of Police Commissioners shall appoint its officers among its members. A quorum shall consist of three commissioners.

(4) The Freedom Board of Police Commissioners shall have duties and responsibilities as set forth under Wisconsin Statutes Section 62.13 including but not limited by the appointment of the Police Chief; approval of subordinate police officers appointed by the Police Chief; and the handling of all disciplinary actions against the Police Chief and subordinates.

(5) The Town Board shall provide for reasonable compensation for the Board of Police Commissioners.

SUB-CHAPTER B
POLICE DEPARTMENT

14.10 ORGANIZATION OF POLICE DEPARTMENT: The Police Department shall consist of a Chief of Police and such other officers, assistants and patrolmen as from time to time may be appointed by the Chief subject to the approval of the Board of Police Commissioners, pursuant to the provisions of the Wisconsin Statutes.

14.11 RECORDS AND REPORTS:

(1) Annual Report. The Chief of Police shall submit a general report to the Town Board of all activities of the Department for the preceding year.

(2) Monthly Report. The Chief shall submit to the Board of Police Commissioners a written report monthly with copy to the town board of the activities of the members' of the department in the performance of their duties. The Board of Police Commissioners may request additional reports at other intervals. The Chief shall report to the Board of Police Commissioners any misconduct or neglect of duty of any member of the Department and such other information pertaining to the Department as the Board of Police Commissioners may request or the Chief deems it advisable to submit.

(3) Police Records. There shall be kept for a period of seven (7) years by the Department a suitable record in which shall be entered the name of every person arrested in the Town, the name of the person making the arrest, the date and cause of the arrest, the Court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted, and all complaints in full.

14.12 GENERAL POWERS OF POLICE OFFICERS: Every member of the Police Department shall:

(1) Familiarize himself with the ordinances of the Town and the Wisconsin Statutes and· attend to the enforcement of such ordinances by all lawful means.

(2) Help prevent crimes, misdemeanors and violations of Town ordinances and protect the health, safety, public peace and order of the Town and its residents.

(3) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals, and defective or dangerous streets and sidewalks to the appropriate person or organization responsible for their repair or service.

(4) Maintain order at the scene of a fire or any other emergency response scene within the Town.

(5) See that the necessary permits and licenses issued by the State or Town are in the possession of or properly displayed by any person engaged in an activity or business within the Town for which such permit or license is required and that the terms of such permits or licenses are complied with.

(6) Perform such other lawful duties as ordered by the Chief of Police or his authorized representative.

14.13 RESPONSIBILITIES OF CHIEF OF POLICE

(1) Duties: In addition to the duties imposed upon him elsewhere ill this Code of Ordinances, the Chief of Police shall:

A. Have command of the Police Department, subject to the direction of the Board of Police Commissioners.

B. Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. He shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.

C. Submit such reports and comply with such administrative procedures as may be prescribed by the Town Board and the Board of Police Commissioners relative to fiscal and administrative matters.

D. Submit such reports and/or information and comply with such policies as may be prescribed by Town Board.

E. Have control of the assignment, hours of duty, and transfer of all members of the Department.

F. Plan, organize, staff, direct, and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the Town as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.

G. Strive to maintain suitable, productive relationships with other Town departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other Town Departments in matters relating to their various functions.

H. Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property, and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.

(2) Custody of Department Equipment. The chief of Police shall be the custodian of all Town property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment, and supplies.

(3) Custody of Seized Property. The Chief of Police shall be the custodian of all property taken into the custody of the Department, and shall be responsible for the safekeeping, lawful disposition and accurate record of the same. He shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

14.14 RULES AND POLICIES FOR THE POLICE DEPARTMENT

The Chief of Police shall establish and promulgate Rules of Conduct, Directives and Policies and Procedures and prescribe such duties for individual members as he may deem necessary for the effective and efficient command and operation of the Department; provided no such Rules of Conduct, Directive or Policy Procedure duties or assignment shall be in conflict with the statutes, ordinances and approved Town personnel rules and regulations.

14.15 MAINTENANCE OF PERSONNEL RECORDS AND PERFORMANCE EVALUATIONS

The Chief of Police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. Such personnel records shall be made available to the Board of Police Commissioners. He shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged. He shall formulate procedures for recognizing outstanding performance by Department members for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes, Rules of the Department and the jurisdiction of the Board of Police Commissioners.

14.16 POLICE CHIEF'S RESPONSIBILITY FOR TRAINING

The Chief of Police is responsible for the training of all members of the

Department. He shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members in the knowledge, procedures, and techniques of their duties and responsibilities. He will insure that, within budgetary limitations, members of the Department attend training courses, seminars, and conferences necessary to maintain and improve their job skills and professional knowledge. He shall encourage Department members to further their education· in Law Enforcement through study, special courses, college attendance, extension programs, and independent readings.

14.17 GENDER NEUTRAL

Wherein reference is made to in this Chapter to a person as he, himself or his said reference shall be considered to include she, herself or her.

CHAPTER 15

REGULATIONS AND REQUIREMENTS FOR THE ENCLOSURE OF OUTSIDE SWIMMING POOLS IN THE TOWN OF FREEDOM

15.01 INTRODUCTION

(1) Purpose. The purpose of this ordinance is to promote the public health, safety and general welfare by preventing or limiting access to outside swimming pools by children.

(2) Applicability. The regulations of this ordinance shall apply to all outside swimming pools. All existing outside swimming pools must provide the enclosure required herein within six months of the effective date of adoption of the Code of Ordinances. Failure to provide the required enclosure within 6 months of the effective date of adoption of the Code of Ordinances shall be deemed a violation of this ordinance. No permit shall be issued for the installation, alteration, remodelling or relocation of an outside swimming pool, except in conformity with the enclosure requirements herein.

(3) Definitions. An “outside swimming pool” is defined as any outside structure, basin, chamber or tank containing or capable of containing an artificial body of water for swimming, wading or bathing having a depth of greater than two feet at any point when filled to capacity.

15.02 ENCLOSURE REQUIREMENTS

All outside swimming pools, whether in-ground or above-ground, shall be enclosed with an adequate and secure fence or wall not less than 42 inches high above the adjoining grade to prevent access to the swimming pool. The enclosure shall be constructed to prevent passage of a six inch diameter sphere between members or under fence members. Access to the enclosure shall be provided by a gate with self closing and self latching devices which shall be on the inside of the gate not less than 30 inches above ground level. Above-ground pools that are at least 42 inches high at all points around the pool or that have railings or platforms that are at least 42 inches above ground are not required to be enclosed with a fence or wall but the ladders or stairways providing access shall be sufficiently secured with a self-closing/self-latching gate to prevent entry when the pool is not in use.

15.025 MAINTENANCE

All outside swimming pools, appurtenant decks and enclosures shall be maintained and kept in good repair. Water contained within the pools shall be kept clean and free of debris.

15.03 PERMITS

A building permit is required for the installation, remodelling, or relocation of any outside swimming pool. All installations and operations of outside pools shall conform to the Wisconsin Plumbing and Electrical Code.

15.04 ENFORCEMENT

(1) Penalties. A person who violates any provision of this ordinance or any order made hereunder shall, upon conviction, pay a forfeiture, as established by the Town of Freedom Schedule of Fees and Fines, for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

(2) Notice of Violation. If the Town finds that any of the provisions of this ordinance are being violated it shall notify, in writing by registered or certified mail, the person(s) responsible indicating the nature of the violation and ordering the action necessary to correct the violation. Whenever a person shall have been notified in writing that he is in violation of the provisions of this ordinance, such person shall commence correction of all violations within ten (10) days of notice and shall correct all violations within forty-five (45) days of notice. If such corrections are not commenced within ten (10) days of written notice or not corrected with forty-five (45) days of written notice, each day that a violation continues shall be considered a separate offense.

TOWN OF FREEDOM
TOWN SUBDIVISION ORDINANCE

OUTAGAMIE COUNTY, WISCONSIN

ADOPTED: JUNE 9, 1999
Draft AMENDED: DECEMBER 16, 2008

Prepared By:

COMMUNITY DEVELOPMENT SYSTEMS
A Division of Martenson & Eisele, Inc.
1919 American Court, Neenah, WI 54956

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Dean Van Vreede, Supervisor II
Robert Schuh, Supervisor III
Richard Schuh, Supervisor IV

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FREEDOM PLANNING COMMITTEE

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SECTION 18.100 INTRODUCTION

Note: To facilitate the best possible understanding by those who intend to plat and develop land within the Town of Freedom, this Subdivision Ordinance is based on the Outagamie County Subdivision Ordinance that went into effect on May 20, 1997, and subsequently revised December 9, 1997 and August 12, 1999. The County Ordinance is being used as the basis to the Freedom Subdivision Ordinance because all platting in the Town must be consistent with the County Ordinance. The Town of Freedom's intent is to add more restrictive language over and above County requirements.

18.101 AUTHORITY & APPLICABILITY The provisions of this chapter are adopted by the Town of Freedom Town Board who has adopted Village Powers pursuant to the authority granted by Chapters 61 & 236, Wisc. Statutes. This ordinance shall require either a Certified Survey Map or a Subdivision Plat to create new land parcels or lots in the Town of Freedom.

18.102 TITLE. This chapter shall be known as, referred to or cited as the "Subdivision Ordinance, Town of Freedom, Wisconsin".

18.103 PURPOSE AND INTENT. The purpose of this chapter is to regulate and control the division of land within the unincorporated areas of the Town of Freedom and Outagamie County for the following purposes:

(1) To promote public health, safety and general welfare.
(2) To further the orderly layout and use of land.
(3) To prevent the overcrowding of land.
(4) To lessen congestion on the streets and highways.
(5) To provide for adequate light and air.
(6) To facilitate adequate provisions for water, sewerage, & other public requirements.
(7) To provide for proper ingress and egress.
(8) To promote proper monumenting of subdivided land and conveyancing by accurate legal description and to provide safe and orderly shoreland layouts.

18.104 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

18.105 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town & County and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

18.106 JURISDICTION. The jurisdiction of this chapter shall include all lands within the Town of Freedom. However, in no instance shall the provisions of this chapter apply to:

(1) Transfer of interests in land by will or pursuant to court order.
(2) Leases for a term not to exceed 10 years, mortgages or easements.
(3) Sale or exchange of parcels of land between owners of adjoining property if additional buildable lots are not thereby created and the resultant lots are not reduced below the minimum sizes required by the Outagamie County Zoning Ordinance, or other applicable laws or ordinances.

18.107 COMPLIANCE. No subdivider shall divide any land located within the jurisdictional limits of these regulations which results in a land division as defined herein; no such land division shall be entitled to record; and no improvements shall be made to the land without compliance with all requirements of this Chapter, and:

(1) County Comprehensive Plans, as approved by County Board action, including Chapters 8.09, 16, 17, 22, 23, 24, and 27 of the Outagamie County Codes.
(2) Town Comprehensive Plans as approved by Town Board Action, and Chapters 13, 24, and 25, and other applicable local ordinances, plans & policies.
(3) The provisions of Chapter 236, Wisc. Statutes.

SECTION 18.200 GENERAL PROVISIONS

18.201 RULES. In this chapter, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

(1) Words used in the present tense shall include the future and words used in the singular number shall include the plural number and the plural, the singular.
(2) The word "shall" is mandatory and not discretionary.
(3) The word "may" is permissive.
(4) The masculine gender includes the feminine and neuter.

18.202 DEFINITIONS.

ALLEY - A public or private right-of-way which provides secondary access to abutting properties.

ARTERIAL STREET - A street used or intended to be used primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways, as well as standard arterial streets, highways and parkways.

BLOCK - A group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter or other name through which it may be identified.

BUILDING - Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

BUILDING SETBACK LINE - A line parallel to the street line or waterline, defined by of the Outagamie County Zoning Ordinance (Ch.17), beyond which buildings may not be erected.

CERTIFIED SURVEY MAP - As defined in chapter 236.34, Wisconsin Statutes, **but** limited to two new lots during the lifetime of this ordinance.

CLUSTER SUBDIVISION - Concentrating the total allowable dwelling units on a tract of land into higher densities on a smaller portion of the tract, leaving the remaining space as open land.

COLLECTOR STREET - A street intended to provide both land access service and traffic circulation. They also collect traffic from minor streets and channel it onto the arterial street system.

COMPREHENSIVE PLAN - Means the "Town of Freedom Comprehensive Plan adopted according to Chapter 66.1001(4) of the Wisconsin State Statutes and including any amendment to the Comprehensive Plan, which is now in effect.

CONSERVATION SUBDIVISION - A type of cluster subdivision that emphasizes a planned unit development for preserving open space, wetlands, natural landscaping, floodplains or other prioritized resources as well as for preventing storm water runoff.

DEVELOPMENT - Any man-made change to the land including, but not limited to, construction, additions to existing buildings, other structures, mining, dredging, filling, grading or paving.

FARMETTE - A type of farm that demonstrates farming activities but at a level where the income from the farm, if any, is not the primary source of income.

FARMLAND - Land that is actively managed to provide a crop for sale or for use in the feeding of agricultural animals.

IMPROVEMENT, PUBLIC - Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the County or town may ultimately assume the responsibility for maintenance and operation.

LAND DIVISION - The dividing of land which results in a subdivision, replat or certified survey map.

LOT - A buildable parcel of land represented and identified in a land division as defined herein and in accordance with Chapter 17 of the Outagamie County Code.

LOT, CORNER - A lot abutting 2 or more streets at their intersection provided the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

LOT, FLAG - A lot which consists of a long narrow access area leading to a larger parcel of land. The access resembles a flag pole, its width is less than the minimum lot width for that specific zoning district, and the larger buildable area resembles a flag.

LOT, THROUGH - A lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

LOW IMPACT DEVELOPMENT - Development that results in relatively little change to the land area as it existed prior to development.

LOW RURAL DENSITY - Where the residential development pattern is clearly secondary to agricultural, environmental, and natural land uses.

MINOR STREET - A street used or intended to be used primarily for access to abutting properties.

NATURAL AREAS - Same as limiting environmental conditions as defined by East Central Wisconsin Regional Planning Commission in its Sewer Service Area Plans.

OFFICIAL MAP – Is that map adopted pursuant to Section 62.23 of the Wisconsin Statutes that shows existing and proposed streets, highways, parkways, parks and playgrounds, and drainageways. Refers to Ordinance No. 95-2. Chapter 23, adopted March 13, 1995.

OUTLOT - A parcel of land not intended for immediate development, so designated on the plat, replat or certified survey map.

PARENT PARCEL - The existing parcels of record, as identified by individual tax parcel numbers, as of December 15, 1998.

PRELIMINARY PLAT - A map showing the salient features of a proposed subdivision submitted to the Town of Freedom & County Zoning Committee for purposes of preliminary consideration so described in section 18.15 of this chapter.

PUBLIC WAY - Any public road, street, highway, walkway, drainageway or part thereof.

REPLAT - The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.

RURAL CHARACTER - Where the development pattern is clearly primarily agricultural, environmental, and natural land uses.

RURAL RESIDENTIAL DEVELOPMENT - Residential development that occurs outside of the Town of Freedom's sanitary district and is characterized by low rural density and rural character.

SANITARY DISTRICT - Refers to the area where sanitary sewer can be provided with no requirement for annexation to the Sanitary District, the governing body for which is known as the Sanitary District Commission.

SUBDIVIDER - (Z-32-92) Any person, corporation, partnership, association, individual, firm, trust or agent acting on the seller's behalf thereof dividing or proposing to divide land resulting in a land division.

SUBDIVISION - The division of a lot, parcel or tract of land by a subdivider where the division creates more than two (2) new lots or building sites from the original parcel by successive division, or where a road is created more than 120 feet long.

SURETY BOND - A bond guaranteeing performance of a contract or obligation through possible forfeiture of bond if such contract or obligation is unfulfilled by the subdivider.

TOWN - Refers to the Town of Freedom

TOWN CLERK - Refers to the Freedom Town Clerk

TOWN PLAN COMMISSION - Refers to the Freedom Plan Commission.

WILDLIFE HABITAT - An area where it is likely that wild animals live**.**

18.203 LAND SUITABILITY. No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas identified as being environmentally sensitive include, but are not limited to:

(1) All areas mapped as Floodway by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources or other public or private entity and incorporated into the County Floodplain Ordinance,
(2) All areas mapped Wetland by the Wisconsin Department of Natural Resources (DNR) and depicted on the Wisconsin Wetlands Inventory Maps,
(3) All areas within 75 feet of the ordinary high water mark of navigable streams, as

identified on the United States Geological Survey 7.5 minute quadrangle maps, and

(4) All areas having slopes steeper than 20 percent.

Areas determined to be environmentally sensitive may be included in a land division, if identified as an outlot and that the land is not available for development. The determination of the existence of an environmentally sensitive area shall be made by the Town Plan Commission, or its designee. In applying the provisions of this section, the subdivider shall be provided, in writing, the particular facts that render the site environmentally sensitive and not available for dividing. The subdivider shall be afforded the opportunity to present evidence regarding the suitability of the site to the Town Plan Commission. The Commission will consider the evidence and then may affirm, modify or withdraw the determination of unsuitability.

18.204 RURAL RESIDENTIAL DEVELOPMENT.

This section applies to land located outside of the Town of Freedom's Sewer Service Planning Area. The landowner or developer of land that is proposed to be developed for rural residential purposes must work with the Plan Commission to identify areas that are to be protected, and areas that may be developed.

Below are vision statements, goals, objectives, policies, and special considerations from the Town of Freedom Comprehensive Plan. They address the protection of agricultural and natural resources, the preservation of rural character, the desired types of rural residential development outside of the sanitary district, and the maximization of the use of existing public infrastructure in the sanitary district.

The landowner or developer must, in developing lots through a certified survey map or a subdivision, consider ways to minimize the impact the proposed rural residential development will have on the rural character, natural areas, and wildlife habitat. Special consideration must be given to buffers along streams and creeks and to landscape screening along town and county roads adjacent to the development to protect the rural views after development is complete.

Please note that there are several references to the use of cluster and conservation subdivisions in the vision statements, goals, objectives, policies, and special considerations. As a result of further research and discussion of the concept, the Town of Freedom Plan Commission has determined that cluster and conservation subdivisions will be encouraged, but not required, for subdivisions outside of the sanitary district. Guidance on their use is provided in Section 18.702 Cluster Subdivisions/Planned Unit Developments of the Town's Subdivision Ordinance.

(1) Comprehensive Plan Visions, Goals, Objectives, Policies and Special Considerations

Housing Vision
Rural residential development, outside the sanitary district, includes a balance of conservation subdivisions, historic farmsteads and farmettes. Rural residences in the town have been designed to blend with the natural features and agricultural uses to minimize land conflicts. This has resulted in the preservation of the town's rural character.

Housing Goal
Maintain the environmental assets and rural atmosphere of the community so that it continues to be an attractive place to live.

Housing Objectives
Direct future single family residential development within the sanitary district where services are more readily available, conflicts with agricultural uses are minimized, and efficient and cost effective development is most likely.

Encourage the preservation of natural areas, minimize the impact of sprawl, and protect farmland in the town.

Encourage "low impact" development within the town that can help reduce storm water runoff and flooding.

Utilities and Community Facilities Policy
The Town of Freedom requires that any new subdivision street be developed with curb and gutter and storm sewer and storm sewer laterals.

Agricultural, Natural, and Cultural Resources Vision
Primary agricultural areas, woodlands, wetlands, and other natural areas in the Town of Freedom are protected from development pressure. The Town's farmland and natural areas enhance the rural character of the community by maintaining open areas and providing buffers between residential areas to maintain the low, rural density of development desired by residents.

Agricultural, Natural, and Cultural Resources Goals
Preserve agricultural operations, natural resources, water resources, and wildlife habitat areas in the Town of Freedom to maintain the town's rural character.

Protect Duck Creek and Apple Creek from harmful uses.

Agricultural, Natural, and Cultural Resources Objectives
Seek to protect areas of prime agricultural land in the town through appropriate local polices and subdivisions regulations.

Enforce stream setback requirements and protect wetland and floodplain **areas.**

Create, maintain, and enhance natural buffers along stream banks.

Partner with local land trusts to protect woodlands and farmland areas and encourage local landowners to pursue opportunities to protect their land by working with land trusts.

Discourage wildlife habitat fragmentation by encouraging development in the sanitary district. Encourage communication between area land trusts and landowners to permanently protect wildlife habitat areas, particularly habitats for threatened or endangered species.

Agricultural, Natural, and Cultural Resources Policy
The Town of Freedom encourages subdivision development inside the sanitary district to promote efficient development patterns that maximize available services and minimize town and county costs. To protect farmland and natural areas, the Town discourages subdivision development outside of the sanitary district.

Land Use Vision
Beyond the "village" area, the landscape presents a balance of farming, scenic natural areas, and rural residential development.

Land Use Special Considerations
The Town will consider potential conservation or cluster subdivisions in areas adjacent to Duck Creek near the sanitary district. Conservation or cluster subdivisions may also be developed on properties where the preservation of woodlands, wetlands, wildlife habitats and farmland.

Support for protecting natural areas, including woodlands, wetlands, and creeks, is very strong. The *Future Land Use Map* delineates environmental corridor areas adjacent to streams and creeks, which correspond to the requirements of the Outagamie County Shoreland-Floodplain-Wetland Ordinance. A larger environmental corridor area is delineated adjacent to Duck Creek to enhance the buffer around this important natural resource. Also delineated are woodlands, indicating that they will remain.

Land Use Goal
Maintain the rural atmosphere in the Town of Freedom.

(2) Rural Residential Checklist

When a landowner or developer submits a certified survey map or a preliminary plat for rural residential development, the landowner or developer must provide written answers to items (a) through (h) of the Rural Residential Checklist listed

below. Maps, air photos, and conceptual site plans are useful for helping the Plan Commission review the proposed development. They should be included with the responses to the Rural Residential Checklist. Please refer to the Town of Freedom's Comprehensive Plan for assistance, a copy of which is located at the Town Hall. The Plan is also available at the town of Freedom's web site. Other agencies and organizations that may be of assistance include Outagamie County Planning and Zoning and East Central Wisconsin Regional Planning Commission.

Description of the Property Proposed for Development

(a) Agricultural Land: Describe the status of the agricultural lands that are in, and adjacent to, the property being proposed for development. Are they currently being farmed? Are they enrolled in any farmland or conservation protection programs? Is there drain tile on the property? If they are not being farmed, when was the last time they were farmed? Will agricultural buffers be needed to separate the agricultural use from the residential? If yes, where will they be located?

(b) Streams, Wetland, or Floodplains: Describe any streams, wetlands, or floodplains in, or adjacent to, the property being proposed for development. Describe the steps that will be taken to protect the streams, wetlands, and floodplains. Describe how natural buffers will be created, maintained or enhanced. Describe how the development will not increase, and possibly reduce, storm water runoff and flooding from the property.

(c) Woodlands and Other Natural Areas: Describe the woodlands and other natural areas in, and adjacent to, the property being proposed for development. Describe the steps that will be taken to preserve them, or mitigate the impact of the proposed development on them.

(d) Wildlife Habitat: Describe the wildlife habitat areas in, and adjacent to, the area being proposed for development. Describe the steps that will be taken to preserve the areas, or mitigate the impact of the proposed development on them.

(e) Conflict of Uses: Describe any existing or potential conflicts between the existing and proposed land uses. Describe the steps that will be taken to resolve them.

Description of the Proposed Development

(f) Characteristics of the Development: Describe the residential

development being proposed. Include information on the size of the property, the number of lots, the type and size of the housing, and access points to existing streets and highways.

(g) Rural Character and Atmosphere: Describe how the development will help to preserve the Town of Freedom's rural character and atmosphere.

(h) Balance of Uses: Describe how the proposed development will help maintain the balance between farming, scenic natural areas and rural residential development in the Town of Freedom.

SECTION 18.300 PROCEDURES FOR DIVIDING LAND

18.301 SUBDIVISION. When it is proposed to divide land into more than two (2) lots or building sites by successive division, or where a road is created more than 120 feet long, the owner/option holder shall subdivide in accordance with the following procedures:

(1) The subdivider shall have an initial consultation with the Town Planner/Engineer and/or the Town Plan Commission and other appropriate County and Regional Planning Agencies, before proceeding with platting procedures. The purpose of these consultations is to inform the subdivider of the parameters, regulations, and policies in regard to the following issues:

(a) The suitability of the site for development,
(b) The accessibility of the site,
(c) The availability of public facilities (sewer, school, parks, water, etc.) and public services (police, fire, etc.),
(d) Soil conditions and drainage patterns,
(e) The effect of the proposed development on any contemplated improvements,
(f) Zoning of the site and regulations that apply.

(2) Submittal of Sketch Plan. In the initial Town meeting, the subdivider shall submit a sketch plan (it may be a free-hand drawing, but in sufficient detail to determine conditions) on a topographic survey map indicating the nature of the above conditions. The initial sketch plan should take into account the intent of this ordinance as well as any other reviewing agencies' comments obtained in contacts with the appropriate agencies. A second meeting may be required if the sketch plan needs to be significantly altered to meet the criteria identified in this ordinance.

The sketch plan will be reviewed as it relates to:

(a) Topography, based on a U.S.G.S Quadrangle map,
(b) The improvements, design, dedications, or reservations required by these regulations,
(c) Continuity to existing development within 300 feet of all boundaries,
(d) Regulations as set down by Chapter 236 of the Wisconsin Statutes,
(e) Regulations established by the Wisconsin Administrative Code as it relates to on-site septic systems.
(f) Regulations established by the Wisconsin Administrative Code as it relates to highway regulations,
(g) Applicable County Codes,
(h) Consistency with the Town's Comprehensive Plan and any other Town ordinances and policies.
(i) For property within the Freedom Sanitary District, the proposed plat will be consistent with the plans for providing sanitary sewer and water service within the District. For parcels partially in the Freedom Sanitary District, the remaining parcel must be annexed to the District as a condition of land division.

(3) Notification of Property Owners. The subdivider shall notify the owners of property within 300 feet of the property that is being proposed for division prior to submitting a Certified Survey Map or a Preliminary Plat. The Town Clerk will assist the subdivider with identifying the property owners and the mailing of the notification.

18.302 DEVELOPER'S AGREEMENT. As part of the Preliminary Plat submission, the Town requires the developer to provide a written statement that involves the following commitments in a Developers Agreement:

(1) A public declaration of all protective covenants by which the subdivider intends to regulate land-use in the proposed subdivision ad otherwise protect the proposed development.
(2) A statement that holds the owner/developer responsible for the installation and cost of all improvements such as sanitary sewer, streets and roads, street lights, electric, natural gas where available, telephone and cable lines, and other utilities. Other improvements might include on-site detention ponds, and/or storm sewers, sidewalks, trails, and curb and gutter.
(3) An escrow account, surety bond, or performance bond that ensures the Town that if said land owner/developer defaults on building the necessary public improvements, that the Town has recourse to finish subdivision improvements (other than the Freedom Sanitary District that requires a separate escrow account or irrevocable letter of credit for sewer and water extensions).
(4) No changes to the commitments in a Developers Agreement may be made without the approval of the Town of Freedom.

18.303 PRELIMINARY PLAT REVIEW. The subdivider shall file a Developers Agreement (per section 18.12 of this ordinance), 15 copies of the Preliminary Plat, and an application form (available from the Town Clerk), accompanied by a filing fee (on record in the Town Clerks office). Said filing must occur with the Town Clerk at least thirty (30) days prior to the Town Plan Commission meeting. The subdivider should also file a copy with the utility companies having jurisdiction over the subject area so that required easements can be determined. A subdivision within the Freedom Sanitary District and Sewer Service Area must include District sanitary sewer service. A subdivision in the Freedom Sanitary District but not in the Sewer Service Area shall include a statement that sanitary sewer from the District may be installed at owners expense at some future time. Response from the utilities will need to be submitted to the Town Clerk when the Preliminary Plat is filed.

Within fifteen (15) working days after filing, the Town Clerk shall transmit two (2) copies to the County Planning Agency; two (2) copies to the Department of Administration, Plat Review; additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the State Department of Transportation if the subdivision abuts or adjoins a state trunk highway or connecting street; and to the Division of Health, State Department of Health and Social Services. If the subdivision is not served by a public sewer and provisions for such service has not been made; four (4) copies of the preliminary plat must also be filed with the East Central Regional Planning Commission, and five (5) copies to the Town Plan Commission.

The County Zoning Committee, the State Department of Transportation, the Department of Administration-Plat Review, and the State Department of Health and Social Services shall be hereinafter referred to as objecting agencies. The objecting agencies shall, within thirty (30) days of the date of receiving their copies of the Preliminary Plat, notify the Town and subdivider of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return said copy to the Town Plan Commission. If an objecting agency fails to act within thirty (30) days, it shall be deemed to have no objection to the plat.

The preliminary plat shall be reviewed by the Plan Commission for conformance with this ordinance and all other ordinances, rules, regulations, and Town Comprehensive Plan. The preliminary plat shall then be forwarded to the Town Board with a recommendation for approval or rejection. The Town Board is hereby designated as approving authority for all preliminary plats.

Within ninety (90) days of the date of filing the Preliminary Plat with the Town Clerk, the Town Board shall approve, approve conditionally, or reject such Plat, in accordance with Section 236.11(l) of the Wisconsin Statutes. Failure of the Town Board to act within ninety (90) days shall constitute an approval. One copy of the Plat shall be returned to the subdivider with the date and action endorsed thereon. If approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. A copy of the plat and letter shall be filed in the Town Clerk's office.

Approval or conditional approval of the Preliminary Plat by the Town Board shall be deemed an expression of approval or conditional approval of the layout. The petitioner can take this initial approval as a guide to the preparation of the Final Plat, which will be subject to further Town Board consideration at the time of its submission. Approval of the Preliminary Plat does not authorize the subdivider to proceed with installation of site improvements nor does it authorize the sale of lots.

Approval of the preliminary plat or any time extension thereof may be revoked upon written notice where the Town Board finds that a material change in conditions has occurred affecting the proposed subdivision. Such conditions may include new information regarding the physical conditions of the site or proposed public works that would adversely affect, to a substantial degree, public health, safety, or welfare.

18.304 FINAL PLAT REVIEW. The subdivider shall file 15 copies of their Final Plat along with an application form (available from the Town Clerk), accompanied by a filing fee (on record in the Town Clerks office). Said filing must occur with the Town Clerk at least thirty (30) days prior to the Town Plan Commission meeting.

The Town Clerk shall, within ten (10) days after filing, transmit two (2) copies to the County Planning Agency, two (2) copies to the Department of Administration, Plat Review; (2) copies to the State Department of Transportation if the subdivision abuts or adjoins a State Trunk Highway or a connecting street; and two copies (2) to the State Department of Health and Social Services. If the subdivision is not served by a public sewer and provision for such service has not been made; two (2) copies to the East Central Regional Planning Commission or other appropriate regional planning agency; and five (5) copies to the Town Planning Commission.

The Final Plat, may, if permitted by the Town Board, constitute only that portion of the approved Preliminary Plat that the subdivider proposes to record at that time. If a Final Plat is submitted for any portion of the remainder of the land included in the approved Preliminary Plat, the Town Board may require a resubmission of said portion as a new Preliminary Plat in accordance with Section 18.13.

The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approval and objecting agencies of any objection. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town Clerk. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.

If the Final Plat is not submitted within six (6) months of the last required approval of the Preliminary Plat, the Town Board may refuse to approve the Final Plat and may require the subdivider to resubmit a Preliminary Plat subject to Section 18.13.

Following a recommendation from the Town Plan Commission, the Town Board shall,

within sixty (60) days of the date of filing the original Final Plat with the Clerk, approve or reject such Plat in accordance with Section 236.11(2) of the Wisconsin Statutes, unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider with a copy to the Town Plan Commission. The Board may not approve the Final Plat unless the Clerk certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within twenty (20) days, or, if filed, have been met.

Failure of the Town Board to act within sixty (60) days, with no time extensions, and no unsatisfied objections having been filed, shall cause the plat to be approved.

18.305 RECORDATION. Following Final Plat approval by the Town Board and required improvements either installed or a contract and sureties insuring their installation are 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. Within thirty (30) days from the date of the last approval by the Town Board, the subivider shall record the plat in the Outagamie County Register of Deeds office.

18.306 REPLAT. In accordance with Section 236.36, Wisconsin Statutes, a replat of all or any part of a recorded subdivision which does not alter areas previously dedicated to the public may be made by complying with Section 18.11 through 18.19 of this Ordinance. When a proposed replat involves alteration or vacation of areas previously dedicated to the public, the subdivider shall vacate or alter the recorded plat in accordance with Sections 236.40 through 236.44, Wisconsin Statutes.

18.307 CERTIFIED SURVEY MAP. When it is proposed to create one (1) or two (2) lots or building sites, or when it is proposed to divide a block, lot or outlot into two (2) lots or building sites within a recorded subdivision plat without changing the boundaries of said block, lot or outlot, the subdivider shall file a Certified Survey Map. Previous to filing a certified survey map of any parcel of land, the subdivider shall consult with the Town Clerk for advice and assistance to assure the division does not conflict with local, county or regional plans.

The subdivider shall provide the Town with a reasonably accurate preliminary map of the land being considered for division. It may be a free hand drawing but of a sufficient scale so that conditions can be determined to be reviewed for proximity to adjacent streets, schools, etc. for analysis of soil types, topography, drainage, and generally for the effect the land division would have on the development of surrounding property. Such map shall describe the entire ownership involved in the process of division.

If any lots to be divided are not served by public sanitary sewer, soil evaluation data shall be submitted to the County Zoning Administrator. Evidence of this submittal shall be

provided to the Town Clerk at the time of filing the Certified Survey Map.

After tentative Town approval as to a general land division, the subdivider shall proceed to have a certified survey map prepared. The Certified Survey Map shall be drawn in accordance with this ordinance. The petitioner shall file ten (10) copies of the CSM along with an application form (available from the Town Clerk), accompanied by a filing fee (on record in the Town Clerk's office). Said filing must occur with the Town Clerk at least twenty (20) days prior to the Town Plan Commission meeting.

Within five (5) workdays after filing, the Town Clerk shall transmit a copy of the map to all affected Boards, Commissions or Departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town within ten (10) days from the date the Map is filed. The Map shall be reviewed by the Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components that affect it. The certified survey map shall be prepared in accordance with the provisions contained in Chapter 236 of the Wisconsin Statutes. Some of these provisions are as follows:

(1) The survey shall be performed and the map prepared by a registered land surveyor.
(2) All corners shall be monumented.
(3) The map shall be prepared on durable white paper or on tracing cloth or paper (that can be copied), 8 1/2 inches wide by 14 inches long. The scale shall not be more than 500 feet to the inch.
(4) The map shall include the certificate of the surveyor, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the United States public land survey. The surveyor's certificate shall state that he has complied with the requirements of Chapter 236 of the Wisconsin Statutes.

The Planning Commission shall, within thirty (30) days from the date of filing of the Map, recommend approval, conditional approval or rejection of the Map and shall transmit the Map along with its recommendations to the Town Board.

The Town Board shall approve, approve conditionally, or reject such map within sixty (60) 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 is 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.

A Developers Agreement may be required for any proposed improvements as prescribed in Section 18.12 of this Ordinance.

The certified survey map shall be recorded with the County Register of Deeds. When a certified survey map has been so recorded, the parcels of land in the map may be described by reference to the number of the survey, the volume and page where recorded, and the name of the county. Any land or improvements offered for dedication and approved by the governing agency accepting the dedication shall be deeded at the time of recording, unless otherwise arranged.

The subdivider shall file ten (10) copies of the recorded Certified Survey Map with the Town Clerk for distribution to the Town Engineer, the East Central Regional Planning Commission, Building Inspector, Utilities, Assessor and other affected departments for their files.

The Assessor's Plat may be ordered by the Town Board at the expense of the subdivider when a subdivision is defined herein as created by successive division as provided in Section 236.01(12)(b) of the Wisconsin Statutes.

SECTION 18.400 TECHNICAL REQUIREMENTS FOR PLATS AND CERTIFIED SURVEYS

18.401 SPECIFICATIONS. A CSM shall comply with the requirements of section 236.34, Wisconsin Statutes, and shall include the following information:

(1) Every CSM shall show prominently near the top of the first page the quarter-quarter section, government lot or private claim; section, township and range; name of town and county or, if part of a recorded subdivision or certified survey map, the name of the recorded subdivision or CSM volume and number, town and county.

(2) If land to be dedicated to the public is included within the CSM, then a certificate of acceptance by the town board, signed by the clerk and chairperson, shall appear on the face of the CSM. The area of such dedication in square feet or acres shall be shown within the dedication.

(3) A certificate of approval by the Town shall appear on the face of the CSM with signature space for the Town board Chairman, the Town Clerk, the Chairman of the Town Plan Commission, and the Town Planner/Engineer.

(4) A north arrow, scale, legend and symbols, bearing and distance of each line, lot numbers and area in square feet and acres, and existing and proposed easements.

(5) A statement shall appear on the face of the CSM that conforms substantially to the following:
This CSM is (a portion of or all of) tax parcel number(s) _____.
The property owner(s) of record is/are _____. The CSM is contained wholly within the property described in the following recorded instrument(s) _____.

(6) A place for the signature of the owner(s) shall appear on the face of the CSM.

(7) All existing structures.

(8) The location, right-of-way width and name of all existing and proposed highways,

streets, alleys of other public ways.

(9) Location of section quarter, sixteenth, government or private claim lines that are within 50 feet of the exterior boundary of the CSM.

(10) Location and names of any subdivision, CSM, existing property lines and owners of record of abutting unplatted lands contained in or within 50 feet of the exterior boundary of the CSM.

(11) Locations of any corporate limit lines within 50 feet of the exterior boundary of the CSM.

(12) All existing driveways and access points. If the CSM abuts a controlled access highway and no driveway exists, a statement to that effect shall appear on the CSM.

(13) If the CSM abuts any highway where noise control standards have been developed, a statement that substantially conforms to the following shall appear on the face of the CSM: "The Division of Highways hereby informs the developer and Outagamie County that lots near (highway name) may experience a noise level above those listed in Wisconsin Administrative Code Chapter 405. Consideration should be given to providing noise abatement measures sufficient to protect these lots.

(14) All stream and other water bodies located within the shoreland jurisdiction of the CSM boundary shall be shown. A building setback line and distance shall also be shown.

(15) All wetland areas within the CSM that are regulated through the Shoreland Zoning Ordinance shall be shown. All areas that have been designated floodplain shall also be shown and labeled. The source of the floodplain determination shall be stated on the CSM.

(16) Any proposed lake or stream improvement or relocation and proposed filling, grading, lagooning and dredging within the boundaries of the CSM.

(17) If any Certified Survey Map will result in the creation of a buildable lot or lots which are adjacent to property used for agricultural purposes (e.g. a farm operation), or for nonmetallic mining (e.g. a quarry operation), then the Subdivider shall place on the face of the Certified Survey Map a statement clearly disclosing this fact. The disclosure language shall be subject to the review and approval of the Town.

18.402 PRELIMINARY PLAT REQUIREMENTS. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on reproducible material at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(1) Title under which the proposed subdivision is to be recorded.

(2) Legal description and general location of proposed subdivision and relative location to a nearby municipality.

(3) Date, scale and north arrow.

(4) Names and addressed of the owners, subdivider and land surveyor preparing the plat.

(5) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of the area is proposed for immediate development. The **Town Plan Commission** and County Zoning Committee may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.

(6) 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) Contours at vertical intervals of not more than two feet, where the slope of the ground surface is less than 10 percent and of not more than 5 feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on mean sea level datum or where in the judgement of the Town Plan Commission undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.

(8) Water elevations of adjoining lakes and streams at the date of the survey, approximate high and low water elevation, and FEMA's 100 year floodplain elevation, all referred to the same datum used for the contours.

(9) Location, right-of-way width and name of all existing and proposed streets, 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.

(10) Locations and names of any subdivisions, parks, schools and cemeteries and owners of record of abutting unplatted lands within 300 feet of the exterior boundary of the plat.

(11) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all to the datum used for the contours.

(12) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles and location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewer or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.

(13) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

(14) Dimensions of all lots, together with proposed lot and block numbers.

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

(16) Radii of all curves.
(17) Existing zoning and proposed use on and adjacent to the proposed subdivision.
(18) Corporate limit lines.
(19) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
(20) Any proposed lake and stream improvement or relocation and proposed filling, grading, lagooning and dredging within the exterior boundaries of the plat and the notice of application for Department of Natural Resources' approval, when applicable.
(21) Seasonally wet areas.
(22) Sanitary sewer service area boundary, when applicable.
(23) In addition to the above listed information, the preliminary County Plat shall also include the necessary soil tests indicating on-site sanitary systems, including the use of holding tanks, provided the town in which the plat is located has agreed by resolution to accept the responsibility for pumping the tanks. As part of the town's responsibility, towns will initiate maintenance agreements with a licensed pumper on behalf of the property owners. Such agreements shall be renewed bi-annually through an advertised bid process. Pumping charges will be billed to the responsible town, who in turn shall special assess the affected property owners. Such special assessment may include any administrative costs incurred by the town. For developments that utilize shared sanitary facilities, maintenance of such shared facilities will also be the responsibility of the town. Any required repairs and/or maintenance charges shall be the responsibility of the town, who in turn, shall special assess the affected property owners, including any administrative costs incurred. In towns that do not accept responsibility for holding tank pumping, no holding tanks shall be allowed within the County Plat.

18.403 STREET PLANS AND PROFILES. The subdivider shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested by the Town of Freedom, and all elevations, plans and profiles shall meet the approval by the Town.

18.404 TESTING. The Town may require borings and soundings be made in designated areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table. Where the subdivision will not be served by public sanitary sewer, the provisions of chapters COMM 85 and/or 83 (formerly ILHR), Wisconsin Administrative Code, shall be complied with and the appropriate data shall be submitted with the preliminary plat. An impartial party with expertise who has no other involvement with the development project shall review all calculations. Such review shall be done at the expense of the developer and the results shall be submitted to the Town along with the preliminary plat.

18.405 (Reserved)

18.406 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 chapter.

18.407 FINAL PLAT. General - A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply with and show correctly on its face, in addition to the information required by section 236.20, Wisconsin Statutes, the following:

(1) Exact street width along the line of any obliquely intersecting street.
(2) Setbacks or building lines when deemed necessary by the Town Plan Commission.
(3) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also be provided with the plat.
(4) Special restrictions required by any approving or objecting agency relating to access control along public ways or to the provisions of planting strips.
(5) The following certificates must be on all final plats:
    (a) Surveyor's Certificate,
    (b) Owner's Certificate,
    (c) Persons holding an interest in the fee of record or by being in possession
    (d) The mortgagee of record if land is mortgaged,
    (e) Town - to include Town Chairman, Plan Commission Chairman, Clerk and Treasurer; County - to include Zoning Administrator and Treasurer, and Village or City depending on jurisdiction and extraterritorial limits.
    (f) Clerk's Transmittal Certificate, when plat is submitted as a print under section 236.12(2), Wisconsin Statutes.
(6) If any subdivision will result in the creation of a buildable lot or lots which are adjacent to property used for agricultural purposes (e.g. a farm operation), or for nonmetallic mining (e.g. a quarry operation), or are in an area of the Town that is under a Well Advisory issued by the Wisconsin Department of Natural Resources, then the Subdivider shall place on the face of the Final Plat Map a statement clearly disclosing this fact. The disclosure language shall be subject to the review and approval of the Town.

18.408 DEED RESTRICTIONS. Any deed restrictions attached to the subdivision shall be filed with or placed on the face of the final plat. Placing the Register of Deeds recording information on the face of the plat is acceptable.

18.409 SURVEYING AND MONUMENTING. All final plats shall meet all of the surveying and monumenting requirements of section 236.15, Wisconsin Statutes.

18.410 STATE PLANE COORDINATE SYSTEM. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated, the plat shall be tied directly to two 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 Wisconsin State Plane Coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System. All measurements shall also be based on the Outagamie County remonumentation data on file with the County Surveyor.

SECTION 18.500 REQUIRED IMPROVEMENTS

18.500 GENERAL. The subdivider shall not install any street or other improvements required by the town until the Town Board has approved and the developer has recorded a final plat or certified survey map, and when required, the Town Board has approved and the subdivider has signed a Developers Agreement. In order for adequate inspections to be made, the subdivider shall notify the town board one week prior to the time each improvement is to be installed and upon completion of the project. Such improvements to be required in all Town subdivisions and certified survey maps will include all of the following:

(1) Grading and Surfacing - Grading and surfacing of all streets proposed to be dedicated in accordance with the construction standards of the town.

(2) Storm Water Drainage Facilities:

(a) Construction of storm water drainage facilities, which may include curb and gutters, catch basins and inlets, culverts, storm sewers, road ditches, detention ponds, and open channels as may be required to provide adequate surface drainage for the subdivision.

(b) Storm drainage facilities, where needed, shall be designed to permit the unimpeded flow of natural water-courses, insure the drainage of all points along the line of streets and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and preventing excess water runoff in adjacent property. The Town Board or Town Plan Commission may require easements or drainageways of width sufficient to accommodate anticipated storm water runoff. All storm water facilities shall be constructed in accordance with the Town's Stormwater Management and Erosion and Sediment Contriol ordinances.

(3) Street Signs - Installation of street signs meeting the approval of the Town Board at all intersections.

18.501 SURFACE WATER DRAINAGE RESTRICTIONS. No drainageway contained within a drainage easement shall be disturbed, except as provided in sub. (3), in accordance with the following:

(1) No artificial obstruction may be constructed, planted or maintained within any man-made or natural drainageway so that such obstruction impedes the natural flow of water and/or diminishes the natural aesthetic quality of the drainageway.

(2) Lot boundaries shall be made to coincide with new and/or pre-existing man-made and natural drainageways to avoid the creation of lots that can be built upon by altering such drainageways.

(3) Surface water shall not be regarded as unduly retained or diverted if:

(a) The retention or diversion results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan.

(b) The retention or diversion is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

(c) The retention or diversion results from the actions of natural obstructions, whereby maintenance shall be performed by the property owner as described in section 18.35(2)(j), of this chapter.

(d) The retention or diversion has been allowed or required by the Town, County Zoning Department, or County Land Conservation Department, and noted on the approved drainage plan.

18.502 PUBLIC SANITARY SEWERAGE & PRIVATE DISPOSAL SYSTEMS.

(1) In areas that have a sanitary sewer system on or near the proposed land division, the subdivider and the municipalities involved shall make every effort to connect the proposed development with the sanitary sewer system.

(2) In areas where a sanitary sewer system is not available, on-site sewage disposal systems utilizing soil absorption fields will be permitted only when soil tests conducted in accordance with chapters COMM 85 and/or 83 (formerly ILHR), Wisconsin Administrative Code, indicate the systems will function adequately. Such systems shall be installed in accordance with chapter 15 of the County Code of Ordinances.

(3) In areas that have a sanitary sewer system on or near the proposed land division, the subdivider and the municipalities involved shall make every effort to connect the proposed development with the sanitary sewer system.

(4) In areas where a sanitary sewer system is not available, on-site sewage disposal systems utilizing soil absorption fields will be permitted only when soil tests conducted in accordance with chapters COMM 85 and/or 83 (formerly ILHR), Wisconsin Administrative Code, indicate the systems will function adequately. Such systems shall be installed in accordance with chapter 15 of the County Code of Ordinances.

18.503 DEDICATION AND RESERVATION OF LAND.

(1) Whenever a tract of land to be subdivided embraces all or any part of a street or other public way which has been designated in adopted **Town,** regional, or County comprehensive plans or adopted plan components, such public way shall be a part of the plat and either dedicated or reserved by the subdivider in the

locations and dimensions indicated on such plan.

(2) Whenever a proposed park, playground, public access, open space site or other public land other than streets designated in an adopted **Town,** regional, or County comprehensive plan or adopted plan components is embraced, all or in part, in a tract of land to be subdivided, such proposed public lands shall be made a part of the plat. Said lands shall either be dedicated to the public or be reserved for acquisition at undeveloped land costs for a period not to exceed 3 years from the date of recordation, unless extended by mutual agreement between the subdivider and the public agency having jurisdiction. If the reserved land is not acquired by such public agency within the above time limit, the land shall be released to the owner.

(3) All public access to the low watermark of navigable lakes and streams required by section 236.16(3), Wisconsin Statutes, shall be at least 100 feet wide to provide sufficient areas for turning movements and parking.

(4) In order that adequate land be dedicated, reserved and preserved for development of public parks, recreation and open space and to provide for proper location of such sites as the Town develops, the following provisions shall be established.

(a) Whenever feasible and to be compatible with the overall land use program of the Town, the developer of a subdivision shall provide and dedicate parkland to be held by the Town. Said dedication shall either be a minimum of 3 acres of land for park and recreation needs of the community, or an amount of land to be determined in accordance with the following County zoning classifications:

Zoning Classification	Percent Allocation (Of Gross Residential Acreage)
Single Family	6
Two Family	8
Multiple Family	12
Planned Unit Development	12

(b) The number, size and location of all dedications shall be recommended by the Town Plan Commission and subject to approval by the Town Board, who shall ascertain that the proposed sites are suitable for the proposed uses. The Town Board shall retain the right to refuse any dedication of land found to be unsuitable.

(c) If the owner/developer dedicates sufficient land for park purposes, the lots involved in the subdivision will be exempted from the park fee charged prior to issuance of a building permit (as referred to in the following paragraph).

(d) In lieu of dedication, park fees are required to be paid at the time of the building permit. The Town of Freedom adopted Town Ordinance, Chapter 19, Park Fees or Dedications, effective May 1, 1993 (and as amended), that requires a park fee to be paid for development of all open space.

(e) All in lieu payments received by the Town shall be deposited in a segregated, nonlapsing fund to be used exclusively for new park and recreation area development, including pedestrian trail dedication**,** site acquisition and related capital improvements. Disbursements from such fund shall be made only upon specific approval of the Town Board upon the recommendation of the Town Plan Commission.

(f) After the final plat has been recorded, no lot or parcel shall be further divided by replat, certified survey map or conveyance, as defined in section 706.01(3), Wisconsin Statutes, unless such further division shall have been approved by the Town Plan Commission and payment of the appropriate per lot fee shall have been made for each additional lot or parcel created by such division.

(g) The development of park and recreation facilities shall be located in the vicinity of the area from which such funds originated. Park and recreation facilities which are created as a result of this section may be owned, operated and maintained by the Town. If such lands or facilities have been acquired in whole or in part with Town funds, not totally from the non-lapsing fund established in subparagraph (e) of this section, then an appraisal of the land or facilities shall be prepared and the Town Board may acquire said land for an amount not to exceed the appraised value less the amount of funds applied from the nonlapsing fund established in this section.

SECTION 18.600 DESIGN STANDARDS

18.601 STREET ARRANGEMENTS. The subdivider shall dedicate land for and improve streets as provided herein. Streets shall conform to any applicable official map ordinance in effect. In areas for which an official map has not been completed, the street layout shall recognize the functional classification of various street types and shall be developed and located in proper relation to existing and proposed streets, utilities, land uses and public convenience and safety. The land division shall be designed so as to provide each lot with satisfactory access to a public street as provided herein. The following conditions shall apply for street arrangement in all proposed land divisions:

(1) Arterial Streets - Arterial streets shall be arranged so as to provide ready access to centers of employment, high density residential areas, centers of government activity, community shopping area, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as is practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(2) Collector Streets - Collector streets shall be arranged so as to provide collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators,

such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.

(3) Minor Streets - Minor streets shall be arranged to conform to the topography, discourage use by through traffic, permit the design of efficient storm and sanitary sewerage systems and require the minimum street area necessary to provide safe and convenient access to abutting property.

(4) Proposed Streets - Proposed streets shall extend to the boundary lines of the tract being divided, unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board or County Zoning Committee, such extension is not necessary or desirable for the coordination of the layout of the land division or for the advantageous development of adjacent land tracts. Such streets shall terminate with a temporary turn-around of 60 feet right-of-way radius and a roadway of not less that 45 feet in radius.

(5) Arterial Street and Highway Protection - Whenever the proposed land division contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line or by the use of frontage streets.

(6) Reserve Strips - Reserve strips controlling access to streets or alleys shall be prohibited, except where their control is definitely placed with the Town or County.

(7) Alleys - Alleys may be required in commercial and industrial districts to provide for off-street loading and service access, but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. Dead-end alleys shall not be approved and alleys shall not connect to a federal, state or County trunk highway.

(8) Street Names - Street names shall not duplicate or be similar to existing street names and existing street names shall be projected or continued wherever possible.

(9) Street Stubs - The Town may determine that a street stub will be required as a means of providing access to adjacent undeveloped properties. If street stubs create corner lots, access to said lots may be restricted to only the through street and not the street stub. Any street stub may be required to have utility stubs and be fully improved to Town road standards.

18.602 LIMIITED ACCESS HIGHWAY / RAILROAD RIGHT-OF-WAY TREATMENT. Whenever the proposed land division contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

(1) When residential lots within the proposed land division back upon the right-of-way of an existing or proposed limited access highway or railroad, the following restriction shall be placed on the face of the plat or certified survey map: "Direct vehicular access to (name of road) from lots abutting such road is prohibited".

(2) Commercial and industrial districts should provide on each side of the limited access highway or railroad a street approximately parallel to and at suitable

distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.

(3) Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses such railroad or highway, shall be located at a minimum distance of 250 feet from such highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

18.603 STREET DESIGN STANDARDS.

(1) Minimum Right-Of-Way - The minimum right-of-way of all proposed streets shall be as specified on any applicable street plan officially adopted by the Town or, if no width is specified, the minimum right-of-way width shall be as follow:

Type of Street	Minimum Right-Of-Way
Arterial Streets	120 feet
Collector Streets	80 feet
Minor Streets	66 feet
Frontage Streets	49.5 feet

(2) Minimum Roadway and Surface Widths - Minimum roadway width and surface width of all new roads shall comply with the town road standards contained in section 86.26, Wisconsin Statutes

(3) Cul-De-Sacs - Cul-de-sac street designed to have one end permanently closed shall not normally exceed 600 feet in length. A cul-de-sac street should only be used (1) where access cannot be achieved from any surrounding properties or streets, or (2) where the shape of the land being platted cannot be subdivided efficiently without the use of a cul-de-sac. Such streets shall terminate in a circular turn-around having a minimum right-of-way radius of 64 feet if curb & gutter is utilized or 76 feet if an open ditch is built. The turn-around dhall be 45 feet in radius. A temporary cul-de-sac may be required when (1) a developer intends to extend a street into a future phase of a subdivision or (2) the Town determines that a street needs to be extended into abutting properties to connect to other roads, future subdivisions or for other traffic circulation reasons. Said temporary cul-de-sac would need to end at the phase or property line. A written commitment from the owner/developer shall be made for reversion of the excess turnaround right-of-way to the adjoining properties when the street involving a temporary cul-de-sac is extended.

(4) Street Grades

(a) Unless necessitated by exceptional topography subject to the approval of the Town Plan Commission, the minimum centerline grade of any street or public way shall not exceed the following:

1. Arterial Street - 6%
2. Collector Street - 8%

3. Minor Street, Alley and Frontage Street - 10%

5. Maximum Grade - The grade of any street shall in no case exceed 10% or be less than 0.5%, unless prior authorization is granted by the Town.

(b) The maximum allowable geometric grade difference of adjacent street profiles shall not exceed 1.0%.

(c) Street grades shall be established, whenever practicable, so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.

(5) Radii of Curvature - When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on such centerline of not less than the following:

(a) Arterial Streets and Highways - 500 feet.

(b) Collector Streets - 300 feet.

(c) Minor Streets - 100 feet.

(6) Tangents - A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

(7) Half-Streets - Half streets shall be prohibited, except where the other half has already been dedicated or its alignment is shown on an officially adopted street plan.

18.604 STREET INTERSECTIONS. Streets shall intersect each other as nearly as possible at right angles and not more than 2 streets shall intersect at one point, unless approved by the Town Plan Commission.

(1) Number of intersections along major streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections should not be less than 1,200 feet.

(2) Street jogs with centerline offsets of less than 125 feet shall not be approved.

18.605 BLOCKS. The widths, lengths, and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of topography.

(1) Length - Blocks in residential areas should not, as a general rule, be less than 750 feet nor more than 1,500 feet in length, unless otherwise dictated.

(2) Pedestrian Ways - Pedestrian ways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Town Plan Commission to provide adequate pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities.

(3) Width - Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or where lots abut a lake or stream. Width of lots or parcels reserved or laid out for commercial or industrial use shall be

adequate to provide for off-street service and parking required by the use contemplated and the area zoning provisions for such use.

(4) Utility Easements - All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles, except where lots abut a lake or stream or where such a location is deemed engineeringly unfeasible by the utility companies involved.

18.606 LOTS. The size, shape and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots should be designed to provide an architectural setting for the building contemplated.

(1) Lot Lines - Side lot lines should be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(2) Double and Reversed Frontage Lots - Double frontage and reversed frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(3) Access - Every lot shall front or abut a public street and have direct vehicular access to that public street. Direct access does not include the use of easements.

(4) Lot Area And Dimensions - Area and dimensions of lots shall conform to the Outagamie Zoning Ordinance and in areas not served by public sewer shall, in addition, conform to the requirements of the State Division of Health. Whenever a tract is divided into parcels with area in excess of the zoning requirements, such parcels should be arranged and dimensioned so as to allow re-dividing of any such parcels into normal lots in accordance with the provisions of this chapter. Lots within the shoreland jurisdiction shall conform to the area and dimension requirements of chapter 16 of the Outagamie County Codes.

(5) Depth - Lots shall be designed with a suitable proportion between width and depth. Neither long, narrow nor wide, shallow lots are desirable. The use of "Flag Lots" shall be prohibited, except to overcome specific topographic or environmental restrictions.

(6) Width of Lots - Width of lots shall conform to the requirements of the Outagamie Zoning Ordinance.

(7) Corner Lots - Corner lots shall be designed with extra width to permit adequate building setback from both streets.

18.607 BUILDING SETBACK LINES. Building setback lines shall conform to the requirements of the Outagamie Zoning Ordinance. The provisions of chapter 16 of the Outagamie County Ordinance shall apply for lots in the shoreland area.

18.608 EASEMENTS. Where a land division is traversed by a watercourse, drainageway or stream, an adequate drainageway or easement may be required to handle storm water runoff. The location, width, alignment and improvement of the drainageway or easement

shall be approved by the Town Board.

SECTION 18.700 CLUSTER SUBDIVISIONS/PLANNED UNIT DEVELOPMENTS

18.701 PURPOSE. Grouping of residences in clusters will permit individual minimum lot sizes to be reduced, provided overall density within the subdivision is maintained. The remaining undeveloped area within the subdivision can be used to provide common open space and preserve the scenic qualities of an applicable environmentally sensitive area. Grouping of residences facilitate common water and sewage disposal systems and encourages the improved use of the land in proper respect to the preservation of natural resources.

18.702 REVIEW. Cluster subdivisions and planned unit development subdivisions shall be submitted for review in the same manner as any other subdivision as outlined in sections 18.14 - 18.20 of this chapter.

18.703 REQUIREMENTS.

(1) Proposed cluster developments shall include a minimum of 5 acres and shall be platted according to the requirements of this chapter.
(2) The maximum permitted number of lots in such development shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by the Outagamie Zoning Ordinance. Lots within the shoreland jurisdiction shall conform to the area and dimension requirements of chapter 16 of the Code of Ordinances.
(3) The minimum yard and setback requirements of the Outagamie Zoning Ordinance shall apply.
(4) Excess land not used for lots and streets shall be dedicated for open space purposes. This may be accomplished by conveyance in common to each of the owners of lots in the development or by dedication to the County or town. Lands dedicated to the public must be accepted by appropriate action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowners association or similar legally constituted body shall be created to maintain the open space land.
(5) Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promise or beneficiary shall vest in the public body the right to enforce the restriction at law or inequity against anyone who has or acquires an interest in the land subject to the restriction. These restrictions shall be subject to acceptance by the Freedom Town Board.
(6) Water supply and sewage disposal shall meet the minimum standards of all Town, County, and State regulations.
(7) The Design Standards, as outlined within this section, may, at the discretion of the Town Plan Commission and Town Board, be relaxed as an incentive in

developing cluster subdivisions and planned unit developments. Standards that can be relaxed in order to permit more creative land division design include, but are not limited to, lot shape and depth, length of cul-de-sac roads, road right-of-way width and block length and shape.

SECTION 18.800 INSPECTIONS AND PERMITS

18.801 COMMENCEMENT. No construction or installation of improvements shall commence in a proposed land division until the preliminary plat or certified survey map has been approved by the County.

18.802 BUILDING PERMITS. No land use permit or building permit shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met.

18.803 FEES. The subdivider shall pay the Town all required fees at the specified time. The schedule of fees shall be as adopted from time to time by the Town Board and is hereby adopted by reference as if fully set forth herein.

18.804 PLANS. The following plans and accompanying construction specifications may be required by the town board before authorization of construction or installation of improvements:

(1) Street plans and profiles showing existing and proposed grades, elevation and cross sections of required improvements.
(2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
(3) Storm water management facilities and storm sewer plans and profiles showing locations, grades, sizes, cross sections, elevation and materials of required facilities.
(4) Water main plans and profiles showing the sizes, locations, elevations and materials of required facilities.
(5) Planting screens required showing the locations, age and species of any required street trees.
(6) Additional special plans or information as required.

18.805 INSPECTION. The subdivider, prior to commencement of any work within the land division, shall make arrangements with the town board to provide for adequate inspection. The town board shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

SECTION 18.900 VIOLATIONS, PENALTIES, APPEALS AND VARIANCES

18.901 VIOLATIONS. No person shall build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes and no person shall be issued a County sanitary permit and/or a building permit authorizing the building on or improvements of any land division within the jurisdiction of this chapter and not on record as of the effective date of this chapter until the provisions and requirements of this chapter have been fully met. The Town may institute action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

18.902 PENALTIES. Any person that fails to comply with the provisions of this chapter shall, upon conviction thereof, be subject to a penalty as provided for in section 25.04 of this Code of Ordinances.

(1) Recordation improperly made shall be subject to the penalties provided in for 236.30, Wisconsin Statutes.
(2) Conveyance of lots in unrecorded plats shall be subject to the penalties as provided for in section 236.31, Wisconsin Statutes.
(3) Monuments disturbed or not placed shall be subject to the penalties as provided for in section 236.32, Wisconsin Statutes.
(4) The Town may order assessor's plat when a subdivision is created by successive divisions as provided for in section 236.31(2), Wisconsin Statutes.

18.903 APPEALS. Any person aggrieved by an objection to a plat or failure to approve a plat may appeal therefrom as provided for in sections 236.13(5) and 62.23(7), (10) - (15), Wisconsin Statutes.

18.904 VARIANCES. If a subdivider can show that, by reason of exceptional topography or other physical condition, strict compliance with any requirement of this chapter would cause practical difficulty or exceptional and undue hardship, the Town Board may relax such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the Town. A majority vote of the entire membership of the Town Board shall be required to grant any modification to these regulations and any modification thus granted shall be entered in the minutes of the Town Board, setting forth the reasons, which in the opinion of the Town Board, justified the modification. No variance shall be granted by the Town which is contrary to provisions of the Wisconsin Administrative Code or the Wisconsin Statutes.

CHAPTER 19

TOWN PARKS

19.01 FEES OR DEDICATIONS:

(1) In order that adequate land shall be dedicated, reserved and preserved for development of public parks, recreation and open space, and to provide for proper location of such sites as the Town develops, the following provisions shall be established:

(a) A park fee shall be paid for development of all open space in the amount of $300.00 per single family residence, $2600.00 per two family residence, and $1300.00 per unit for multi-family dwellings. The park fee shall be paid at the time of application for a Building Permit.

Said fees shall apply to all buildable residential lots created after the effective date of this ordinance, whether by Certified Survey Map, Subdivision Plat, or Warranty Deed.

(b) In lieu of the payment of park fees, the developer of a subdivision may provide and dedicate to the public, to be held by the Town of Freedom, land for park and recreation needs of the Town. The Planning Committee shall ascertain during site review process and/ or plot review process that the proposed sites are suitable for the proposed use. The size and location of all dedications shall be subject to unanimous approval by the Town of Freedom Town Board.

19.02 TOWN PARKS COMMITTEE

(1) Purpose. One purpose of this ordinance is to establish a Town Parks Committee and set forth its organization, powers and duties, to further the development and use of the Town park system for the benefit of current and future residents of the Town.

(2) Authority: Establishment**.** The Town Board hereby establishes a Five (5) member Park Committee pursuant to Chapter 60 of the Wisconsin Statutes, to act in an advisory capacity to the Town Board in regard to matters relating to the Town Parks.

(3) Membership. The Park Committee shall consists of at least one (1) Town Board Member, who may be the Town Board Chairperson, who shall act as chairperson of the Park Committee. The remaining four (4) committee members shall be appointed by the Town Chairperson subject to approval by majority of the Town Board. The citizen

members, who are not otherwise town officials, shall be persons of recognized experience and qualifications relating to the Park and Recreation Programs in the Town. Appointments shall be made in April of each year.

(4) Term of Office. The term of office for the Park Committee Chairperson and each committee member shall be for a period of three (3) years, ending on April 30, or until a successor is appointed and qualified, except:

(a) Initial Terms. The initial appointments to the Park Committee made during April, shall appoint citizen members for staggered terms as follows: two (2) persons for a term that expires in one (1) year; one (1) person for a term that expires in two (2) years; and one (1) person for a term that expires in three (3) years.

(b) Town Board Member or Chairperson. The Park Committee Member who is a Town Board Member or Town Board Chairperson, shall serve for a term concurrent with his or her term on the Town Board or until replaced at the reorganizational meeting of the Town Board.

(5) Vacancies. A person who is appointed to fill a vacancy on the Park Committee shall serve for the remainder for the term of the individual who he or she replaces.

(6) Compensation, Expenses. The Town Board of the Town of Freedom may establish a per diem allowance for citizen members of the Park Committee, and, in addition, the Town Board may reimburse reasonable costs and expenses as allowed under Section 60.321, Wis. Stats.

(7) Rules; Records. The Park Committee may adopt rules for the transaction of its business, subject to Town Ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under Sections 19.21-19.39, Wis. Stats.

(8) Powers. The Park Committee, subject to Town Board jurisdiction, shall have the power to (a) make recommendations to the Town Board regarding the acquisition and reservation of lands for park purposes; (b) make recommendations for the laying out, improvement and maintenance of parks in the Town; (c) provide general oversight for the use of town parks by other non-profit, civic or charitable entities who are operating recreational programs; (d) recommend regulations for the use and enjoyment of the parks by the public; (e) provide general oversight for the maintenance of the town parks.

19.03 PARK REGULATIONS

(a) Purposes. In order to protect the parks, parkways, recreational and conservancy areas with the Town of Freedom from injury, damage or desecration, these regulations are enacted.

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

"Park" means and includes all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreational or conservancy area in the Town of Freedom.

(c) Specific Regulations.

(1) Littering prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any Park.

(2) *Sound devices.* No person shall operate or play any amplifying system unless specific authority is first obtained from the Town Board.

(3) Billposting. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except Park regulations and other signs authorized by the Town Board.

(4) Throwing stones and missiles prohibited. No person shall throw stones or other missiles in or into any Park.

(5) Removal of park equipment prohibited. No person shall remove benches, seats, tables or other park equipment from any Park.

(6) Trapping. It shall be unlawful to conduct trapping activities of any nature, in any village park, except when authorized by the Town Board.

(7) Making of fires. No person shall start, tend or maintain a fire except in personal grills or as authorized by the Town Board. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any Park property.

(8) Protection of Park property. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any Park, except as permitted by this chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or misuse any tree, shrub, flower, flowerbed, turf, soil, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any Park.

(9) Motorized Vehicles. Except for authorized maintenance vehicles, no

person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Town authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.

(10) Snowmobiles. No person shall operate a snowmobile in a Town Park except when authorized by the Town Board.

(11) Speed limit. No person shall operate any vehicle in a Town Park in excess of ten miles per hour, unless otherwise posted.

(12) Glass beverage bottles in Parks prohibited. No person shall bring into, carry onto or possess while in any public Park, glass bottles or glass containers, including those containing or normally used for containing soda, water, fermented malt beverages or alcohol. No person at any time shall be allowed to drink from glass containers in any Town Park.

(13) Reckless driving in Parks prohibited. No person shall operate a motor vehicle in a reckless manner in any Parks.

(14) ~~*Parking in Parks.* No person shall park any motor vehicle in any Park in the Town except in designated parking area.~~

Parking in Parks. No person shall park any motor vehicle in any Park in the Town except in designated parking areas. Subject to certain exceptions as described in Section 19.06 and 19.07, vehicles may not park in any Town park between the hours of 11:00 p.m. and 5:00 a.m~~.~~ [Ord. 16-01]

(15) Horse and carriage. No person shall ride a horse or drive a horse-drawn vehicle in any Park, except when approval of the Town Board is obtained first. It shall be unlawful for any person to ride a horse or drive a horse-drawn vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others.

(16) Removing tree protectors. No person shall remove any device for the protection of trees or shrubs.

(17) Golfing and sporting activities. No golfing or practicing golf shall be allowed in Town Parks or recreation areas.

(18) Arrows. No person shall use or shoot any bow and arrow in any Town Park.

(19) Fees and charges. The Town Board shall have the authority to establish such fees as deemed necessary for use of any Park facility, structure or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.

(20) Animals.

a. No person shall bring animals onto Park property, with the exception of leashed dogs on roads, paved trails, and chipped or gravel paths. Dogs are not allowed on playgrounds, athletic fields, picnic areas, lawns or in park structures.

b. All persons shall secure their dog on a leash eight feet or shorter in length and maintain their dog under control, meaning connected to a leash held by a person at all times.

c. Dogs are not to run at large. It shall be unlawful for any person, who is the owner of, or in possession of, or charged with the care of a dog, to permit same to run at large within any Town Park.

d. Dogs must display current rabies tag and current registration tags.

e. All dog excrement must be immediately picked up and disposed of in a designated waste container or removed from the Park.

f. This subsection shall not apply to certified guide dogs that are under control by the use of a harness or other restraint and are accompanying blind, deaf or mobility impaired persons, as provided under Wis. Stats. § 174.056.

g. The Town Board may authorize animals onto park property for special events.

(21) Firearms; hunting. Discharging of any firearm or weapon of any kind is prohibited in all Parks as provided in Town Code.

(22) Fish cleaning. Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Town Parks.

(23) Controlled substances. Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Town Parks.

(24) Alcohol beverage use. Alcohol beverages may only be possessed, consumed, or dispensed in a Town Park pursuant to a permit and regulations as prescribed in the Code of Ordinances.

(25) Sale of goods. The sale of any items from a Park shall be limited to non-commercial organizations. A written statement of noncommercial status must be filed with the Town Board prior to the sale of any goods. The Town Board shall determine the number of noncommercial organizations to be vending at one time. The Town Board may grant permission for the sale of goods to any commercial organization if the sale would be in the best interest of those served.

19.04 OPERATION OF REMOTE OR RADIO-CONTROLLED TOYS OR DEVICES PROHIBITED.

It shall be unlawful for any person to fly, operate or make use of any remote or radio controlled model airplane or helicopter, in, over or upon any street, Park road, Park, or public property except when approval by the Town Board is obtained first. Section III. Regulations Regarding Protection of Turf on Public Property.

19.05 TURF PROTECTION ON PUBLIC PROPERTY.

Except as authorized by the Town Board, no person shall dig into the turf of any Park for any purpose whatsoever or remove any trees or flowers, including the use of metal detectors and digging for buried objects in Parks.

19.06 PARK HOURS.

(a) Park Hours. Subject to certain exceptions listed below, all Town Parks shall be closed from 11:00 p.m. to 7:00 a.m. the following day.

(b) Park closing and opening dates. The chief of police or Town Board will have full authority to open and close any Park because of weather conditions, physical condition, construction or when, in the interest of public safety, it is deemed necessary.

19.07 RESERVATION OF PARK SPACE.

(a) Policy on reservation. The Parks are primarily for the nonexclusive use of the residents and visitors of the Town. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This section is intended to regulate exclusive use of municipally owned Parks, or parts thereof.

(b) Reservation of park space. A person or group, firm, organization, partnership or corporation, residing in or having its registered office in the Town of Freedom, may reserve the use of a park facility or a park; shelter by written application filed with the Town Clerk for a permit for exclusive use of the same. The Town Clerk shall issue permits for, exclusive use of a portion of a park or park shelter, while the Town Board shall issue permits for the exclusive use of Town Parks. Park facilities are reserved on a first-requested, first-reserved basis.

(c) Application. Applications shall be filed with the Town Clerk at least 14 days prior to the date on which the exclusive use of the entire park is requested, or at least three days prior to the date on which a park shelter or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:

1. The name, address and telephone number of the applicant.

2. If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.

3. The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.

4. The date when the exclusive use is requested and the hours of the proposed exclusive date.

5. The anticipated number of persons to use the said Park, area or facility.

6. Any additional information which the Town Board or Town Clerk finds reasonably necessary to a fair determination as to whether a permit should be issued.

(d) Rental fee. All applicants for rental of Park space or shelters for which a permit is required shall pay a rental fee. The daily fee will be set by the Town Board, and will be reviewed periodically.

(e) Action on application. The Town Board shall act on all applications for permits for exclusive Park use (not shelter use) after consulting with the applicant, if necessary.

(f) Reasons for denial. Applicant may be denied for any of the following reasons:

1. If it is for a use which would involve a violation of federal or state law or any provisions of this Code.

2. If the granting of the permit would conflict with another permit already granted.

CHAPTER 20
SELLERS AND SOLICITORS

20.01. Direct Sales & Solicitations:

Registration Required. It shall be unlawful for any direct seller or solicitor to engage in direct sales or solicitations within the Town of Freedom without being registered and licensed for that purpose as provided herein.

20.02. Definitions. In this ordinance:

A. **"Direct Seller"** means an individual who, for him/herself, or for a partnership, association or corporation, sells goods or services or takes sales orders for the later delivery of goods or services at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to peddlers, canvassers and transient merchants. The sales of goods and services includes donations requested or required by the direct seller for the retention of goods or services by a donor or prospective customer.

B. **"Permanent Merchant"** means a direct seller or one representing merchant who, for at least one year prior to the submission of an application pursuant to this ordinance, has continuously operated an established place of business in this Town or has continuously resided in this Town and now does business from his/her residence.

C. **"Goods"** shall include personal property of any kind and shall include goods provided incidental to services offered or sold.

D. **"Solicitor"** means any individual who, for him/herself or any other person, organization, society, association or corporation, personally solicits money, property or financial assistance of any kind of persons other than members of such organization, society association or corporation.

E. **"Charitable Organizations"** shall mean any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation for which there is provided proof of tax exempt status pursuant to Sec. 501 (c) (3) or (4) of the United States Internal Revenue Code.

F. **"Clerk"** shall mean the Town Clerk or Administrative Assistant.

G. **"Applicant"** shall mean each individual applying for registration and licensing as a direct seller or solicitor.

H. **"Registration"** shall mean each individual registered by the Clerk and to whom a license has been issued.

20.03. **Exemptions.** The following shall be exempt from all provisions of this ordinance.

A. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.

B. Any person selling goods at wholesale to dealers in such goods.

C. Any farmer or truck gardener selling agricultural products of the farm or garden occupied or cultivated by such person.

D. Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business.

E. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis and in which the buyer has initiated contact with and specifically requested a home visit by said person.

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

G. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant by law.\

H. Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk, proof that such person has purchased or leased for at least one year the premises from which he/she is conducting business or proof that such person has conducted such business in this Town for at least one year prior to the date complaint was made.

I. Any person under 18 years of age who is selling goods or services on behalf of their charitable, educational, religious or social organization, including but not limited to: Girl Scouts, Brownies, Boy Scouts, school groups or sports teams.

(1) Charitable Organizations shall be exempt from the requirements set forth in Subsections 3 (A), 3 (D) and 5 (A) if the organization has provided the individual representing it with credentials stating the name of the organization, the name of the representative and the purpose of the solicitation and provided, further, that said individuals provide the Clerk with the following information:

(a) The individual's name and permanent address
(b) The name and address of the organization represented
(c) The name and address of the officers or directors of the organizations
(d) The nature of the sales or solicitations
(e) Proposed dates and times of sales or solicitations
(f) Social security number
(g) Drivers license number

A license operative for the dates provided to the Clerk shall be issued without charge upon compliance with the foregoing. The Clerk shall then forward the information and notice of the issuance of a license to the Chief of Police.

(2) Any religious organizations for which there is provided proof of tax exempt status pursuant to Sec. 501 (c) (3) of the United States Internal Revenue Code shall be exempt from the requirements set forth in Subsections 3 (A), 3 (D) and 5. The provisions of Subsection 3 above shall be applicable to such organizations.

(3) Any veteran who holds a special state license pursuant to Sec. 440.82 (2) Stats., shall be exempt from the provisions of Subsection 6 provided that such veteran provides the Clerk with the following information:

(a) The veteran's name and permanent address.
(b) The nature of the sale or solicitations.
(c) Proposed dates and times of sales or solicitations.

The Clerk shall then forward the above information to the Chief of Police.

20.04. Registration Requirements

(A) Applicants for licenses must complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:

1) Name, permanent address, telephone number and temporary address if any.
2) Age, height, weight, and color of hair and eyes.
3) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by or whose merchandise is being sold.
4) Temporary address and telephone number from which sales or solicitations will be conducted, if any.

5) Nature of sales or solicitations to be conducted and a brief description of the goods and/or services offered.
6) Proposed dates and times of sales or solicitations.
7) Proposed method of delivery of goods, if applicable.
8) Make, model and license number of any vehicle to be used by applicant in the conduct of sales or solicitations.
9) Last 3 cities, villages, and towns where applicant conducted similar sales or solicitations.
10) Place where applicant can be contacted for at least 7 days after leaving this town.
11) Statements as to whether applicant has been convicted of any crime or ordinance violation related to applicant's sales or solicitation or other transient merchant activities within the last 5 years, the natureof the offense and the place of conviction.

(B) Applicants shall present the following items to the Clerk for examination:

1) A Driver's license or some other acceptable photo identification as may be reasonably required.
2) A State certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devises approved by state authorities.
3) A State health officer's certificate where applicant's business involves handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.
4) Applicant's social security card.

(C) No application shall be processed until the non-refundable application fee has been paid to the Clerk to cover the costs of processing said application. The fee shall be paid in cash or cashier's check. Said fee shall be $50.00 if the applicant is a resident of this Town or the organization represented by the applicant has been conducting its business activities in this town continuously for I year prior to submission of the application. The fee for all other applicants shall be $250.00.

(D) No applications shall be processed until the applicant signs a statement appointing the Clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale, service performed or solicitation by the applicant in connection with the direct sales or solicitation activities of the applicant in the event the applicant cannot, after reasonable effort, be served personally.

20.05. Investigation; Denial of Application.

(A) Upon receipt of a completed registration form the Clerk shall refer it to the Chief of Police to make an investigation.

(B) The Clerk shall refuse to issue a license to the applicant for any of the following reasons:

1) The application contains any material omission or materially inaccurate statement.
2) Complaints of a material nature have been received against the applicant by authorities in any of the last three cities, villages, or towns in which the applicant conducted similar business.
3) The applicant was convicted of a crime, statutory violations with the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling or solicitations.
4) The applicant failed to comply with any applicable provision of Section 3 above.

(C) Any person denied application for a license may appeal such actions by filing with the Town Board within 14 days after written notice of the denial, a written statement requesting a hearing and setting forth grounds for the appeal. The Town Board shall set a time and place for the hearing. Written notice of the time and place of the hearing shall be given to the applicant at least 72 hours prior to the time set for the hearing.

20.06. Registration & Issuance of License.

(A) Upon compliance with the foregoing requirements, filing of a bond and payment of the license fee as hereinafter set forth, the Clerk shall register the applicant as a direct seller or solicitor and issue a license to the applicant. The license shall be operative only during the days requested on the registration form.

(B) Such license shall contain the signature of the Clerk, the name and address of the direct seller or solicitor, the type of goods or services being sold or the nature of the solicitation, the dates during which the license is operative and the license number of any vehicle used for sales or solicitation.

(C) Registrants shall exhibit their license at the request of any citizen or police officer.

(D) Every applicant who intends to take sales orders and down payments for the later delivery of goods and services and is not a resident of Outagamie County, Wisconsin, or who is such a resident and represents a business or organization whose principal place of business is located outside the State of Wisconsin, shall file with the Clerk a surety bond, for a term of one year from the date of issuance of license, running to the Town in the amount of$5,000.00 with surety acceptable to the Town Chairperson, conditioned that the applicant comply with all applicable ordinances of this Town and statutes of the State of Wisconsin regulating peddlers, canvassers, solicitors and transient merchants. Such bond shall guarantee to any citizen of this Town that all money paid as a down payment will be accounted for and applied according to the

representations of the seller and that the property purchased will be delivered according to the representations of the seller. Action on such bond may be brought by the person aggrieved and for whose benefit, among others the bond is given. The surety may, pursuant to a court order, pay the face amount of the bond to the Clerk of Court in which suit is commenced and be relieved of all further liability.

(E) Every applicant shall pay a license fee of $25.00 cash or cashier's check per day, prior to license issuance.

20.07. Regulation of Direct Sellers and Solicitors.

(A) Prohibited practices:

(1) A direct seller or solicitor shall be prohibited from:

a. Calling at any dwelling or other place between the hours of 7:00 p.m. and 10:00 a.m. except by previously arranged appointment.
b. Calling at any dwelling or other place where sign is displayed bearing the words "No Peddlers", "No Solicitors" or words of similar meaning.
c. Calling at the rear door of any dwelling place.
d. Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

(2) A direct seller or solicitor shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods or services offered for sale, the purpose of his/her visit, his/her identity, or of the identity of the organization he/she represents. A direct seller representing a charitable or religious organization shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable or religious purpose for which the individual is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods or services.

(3) No direct seller or solicitor shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales or solicitations are made from vehicles, all traffic and parking regulations shall be observed. No direct seller or solicitor shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon in excess of 15 minutes, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. Any move from a stationary location shall be a place not less than 100 feet from such locations, and the seller or solicitor shall not return to within 100 feet of any previously occupied location within 4 hours of having moved from said location. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

(4) No direct seller or solicitor shall make any loud noises or use any sound amplifying devise to attract customers or donors, if the noise produced is capable of being plainly heard outside a one hundred foot (100') radius of the source.

(5) No direct seller or solicitor shall allow rubbish or litter to accumulate in or among the area in which he/she is conducting business or making solicitations.

(B) Disclosure Requirements:

(1) After the initial greeting and before any other statement is made to a prospective customer of donor, a direct seller or solicitor shall expressly disclose his/her name of the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she offers to sell.

(2) If any sale of goods or services is made by a direct seller, or any sales order for the later delivery of goods, or services is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than $25.00, in accordance with the procedure as set forth in Sec. 423.203, Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements ofSecs. 423.203 (1) (a) (b) and (c), (2) and (3), Stats.

(3) If the direct seller takes a sales order for the later delivery of goods, he/she shall, at the time the order is taken" provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made; the name, address and telephone number of the seller; the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

20.08. Records of Violations.

The Chief of Police shall report to the Clerk all convictions for violations of this ordinance and the Clerk shall note any such violation on the record of the registrant convicted. The Clerk shall note any complaint or report of any alleged violation made by a resident of this Town to a police officer.

20.09. Revocation of License.

The registrant’s license may be revoked by the Town Board after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales or solicitation, violated any provision of this ordinance or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant’s fitness to engage in direct selling or solicitations.

(A) Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing. Such notice shall contain the time and place of hearing and a statement of such acts or omissions upon which the hearing will be used.

20.10. Penalty

Any person who shall violate any provisions of this ordinance shall, upon conviction thereof, forfeit an amount set by the Town Board in the Town of Freedom Fee and Forfeiture Schedule. Each violation of any provision of this ordinance shall constitute a separate offense.

CHAPTER 21

ESTABLISHMENT OF WARDS

21.01. That based on the results of the most recent federal decennial census, the town, pursuant to Section 5.15 of the Wisconsin Statutes, has revised the boundaries of its Wards and added additional Wards.

21.02. That the town is hereby divided in eight (8) separate wards known consecutively as “Ward 1” through “Ward 8”, and the boundaries of which are more particularly described on Exhibit A which is attached hereto and incorporated herein, and which contains a map of the town illustrating the boundaries of the respective wards.

21.03. That the town Hall, located at W2004 CTH “S”, Freedom, Wisconsin, is hereby designated as the polling place for all Wards. The common polling place shall apply to each September primary, general election and each and every other election, until modified or rescinded, or until a new division of the Town is made under the above statutory section.

21.04. That Supervisors shall continue to be elected on an “at-large” basis, in accordance with their current term of office.

21.05. That a list of the block numbers used by the U.S. Bureau of the Census that are wholly or partly contained within each ward, with any block numbers partly contained within a ward identified, is on file in the Clerk’s office at the Town Hall.

CHAPTER XXII

HOTEL/MOTEL
ROOM TAX

22.01 AGREEMENT

The Town Board may enter into an agreement, or agreements, with surrounding municipalities to promote convention and tourism business or to provide funding for the construction of facilities that will promote such business. When any such agreements are reached with other municipalities, a copy of the agreement shall be attached to this Ordinance and incorporated herein.

22.02 ROOM TAX

To finance the cost of the promotion of convention and tourism business, a room tax is hereby imposed within the Town of Freedom, pursuant to Wis. Stats. §66.0615, at a rate of five percent (5%).

CHAPTER 23

OFFICIAL MAP

23.01 INTENT

It is the intent of the Town Board of the Town of Freedom to establish an official map for the purpose of serving and promoting the public health, safety, convenience, economy, orderliness and general welfare of the Town; to further the orderly layout and use of land; to stabilize the location of real property boundary lines; to insure property legal descriptions and proper monumenting of land; to facilitate adequate provision for transportation, parks, playgrounds, storm water drainage, and waterways; and to facilitate the further subdivision of larger tracts into smaller parcels of land.

23.02 AUTHORITY

This Ordinance is enacted under the authority of Chapters 60, 62 and 236 of Wisconsin Statutes.

23.03 OFFICIAL MAP

The Official Map shall show the location and extend of all platted and existing streets, highways, parkways, parks and playgrounds, waterways and railroad rights-of-way within the corporate limits of the Town of Freedom as heretofore laid out, adopted and established by law, and shall be deemed conclusive in respect to location and width. There is hereby established as the Official Map of the Town of Freedom, the Map which accompanies and is made a part of this Ordinance bearing the date of April 10, 1995. This map is hereby designated as the "Official Map of the Town of Freedom", and all notations, references and other information shown thereon shall be as much a part of this Ordinance as though the matters and information thereon were fully described herein.

23.04 CHANGES AND ADDITIONS

(1) The Town Board may change or add to the Official Map so as to establish the exterior lines of; widen, narrow; extend or close any platted, existing, proposed or planned streets, highways, parks, playgrounds, waterways or railroad rights-of-way.

(2) The Town Board shall refer any change or addition to the Official Map to the Town Planning Commission for review and recommendation thereon prior to adoption. The Planning Commission shall report their recommendation to the Town Board within sixty (60) days.

(3) A Public Hearing of parties in interest and citizens before the Town Board shall be required before any changes or additions to the Official Map are effective. Notice of the Public Hearing shall be given as a Class 2 notice under Chapter 985.

(4) Changes and additions made by duly approved subdivision plats and Certified Survey Maps shall not require the public hearing if the change or addition do not affect any land outside the subdivision or certified survey map. Changes appearing on said sub-division plat and certified survey maps shall constitute a change in the official map, if they do not affect any land outside the subdivision or certified survey map.

23.05 BUILDING PERMITS

For the purpose of preserving the integrity of the Official Map, a building permit shall be required for any structure or part thereof that shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered. No permit shall hereafter be issued for' any building in the bed of any existing or proposed street, highway shown on the Official Map. No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on this Map.

23.06 MUNICIPAL IMPROVEMENTS

No public sewer, water or other municipal street utility or improvement shall be constructed in any street or highway within the corporate limits of the Town of Freedom until such street or highway has been placed on the Official Map.

23.07 APPEALS

The Town Board shall have the power to review any administrative decision of the Building Inspector to deny a permit for the erection of a structure under this ordinance and to grant relief from the requirements of this ordinance under the provisions of Sections 62.23(6)(e)(t)(g) of the Wis. Stats.

23.08 CERTIFIED COPY OF THE MAP

There shall be a certified copy of the Official Map described in Section 23.03. The certified copy shall be kept in the Office of the Town Clerk and shall be available for inspection by any interested person during regular office hours. The certified copy shall bear on its face a certification that it is a true copy of the Official Map described in and accompanying this ordinance and shall show the date of adoption of this ordinance and shall be signed by the Town Chairman and countersigned by the Town Clerk. Thereafter no change or addition to such Official Map shall become effective until it shall have been indicated by the appropriate convention on the aforesaid certified copy of the Official Map and a certificate placed thereon or attached thereon bearing the number

and date of adoption of the amending ordinance. The certificate shall be signed by the Chairman and countersigned by the Clerk.

23.09 ORDINANCE TO BE FILED WITH REGISTER OF DEEDS

The Town Clerk shall be responsible immediately upon adoption of the Official Map or any amendments thereto for recording a true copy of the ordinance or amendment with the Register of Deeds for the County of Outagamie, Wisconsin.

23.10 ENFORCEMENT

It shall be the duty of the Town Building Inspector, Town Constable and Town Police Officer to enforce the provisions of this Ordinance.

23.11 PENALTIES

(1) Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not more than TWO HUNDRED DOLLARS ($200.00) and not less than FIFTY DOLLARS ($50.00) and cost 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 thirty (30) days.

(2) No damages shall be allowed for the taking by any governmental agency, for street or highway purposes, any building erect in violation of this Ordinance.

(3) Every calendar day of violation shall be deemed to be a separate offense.

CHAPTER 24

TOWN OF FREEDOM STORMWATER MANAGEMENT ORDINANCE

GENERAL REQUIREMENTS

24.01 AUTHORITY

(1) This ordinance is adopted by the Town Board of the Town of Freedom under the authority granted by S. 60.627, Wisconsin Statutes. This ordinance supersedes all conflicting and contradictory stormwater management regulations previously enacted under S. 59.69 and 236 Wisconsin Statutes.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Town Board of the Town of Freedom hereby designates the Plan Commission to administer and enforce the provisions of this ordinance.

(4) The requirements of this ordinance do not pre-empt more stringent stormwater management requirements that may be imposed by any of the following:

(a) Department of Natural Resources administrative rules, permits or approvals including, but not limited to, those authorized under S. 283.33 Wisconsin Statutes.

(b) Targeted non-agricultural performance standards promulgated in rules by the Department of Natural Resources under NR 151.003 Wisconsin Admin. Code.

(c) Technical standards for implementing non-agricultural performance standards developed by the Department of Natural Resources under Subchapter IV of NR 151 Wisconsin Admin. Code.

(d) Any local unit of government, including: cities, villages, towns, and stormwater utilities.

24.02 FINDINGS OF FACT

The Town Board finds that uncontrolled stormwater runoff from land development and land redevelopment activity has a significant impact upon water resources and the health, safety and general welfare of the community, and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled stormwater runoff can:

(1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature;

(2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing loadings of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants;

(3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads;

(4) Reduce the quality of groundwater by increasing pollutant loading;

(5) Threaten public health, safety, property, and general welfare by overtaxing storm sewers, watercourses, and other minor drainage facilities;

(6) Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes;

(7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

24.03 PURPOSE AND INTENT

(1) PURPOSE. The general purpose of this ordinance is to set forth long-term, post-construction stormwater requirements and criteria which will diminish the threats to public health, safety, welfare, and the aquatic environment due to runoff of stormwater from land development and land redevelopment activity. Specific purposes are to:

(a) further the maintenance of safe and healthful conditions, and to maintain and enhance the quality of life within the community;

(b) prevent and control the adverse effects of stoanwater, prevent and control soil erosion, prevent and control water pollution, protect spawning grounds, fish, and aquatic life;

(c) prevent conditions that endanger downstream property including: control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and, prevent unwanted alteration of downstream channels, such as farm waterways, from dry to wet conditions;

(2) INTENT. It is the intent of the Town Board that this ordinance manages the long-term, post-construction stormwater discharges from land development and land redevelopment activities by controlling the quantity (peak flow rates and volumes) and quality of stormwater discharges.

To this end the Town of Freedom will manage stormwater to protect, maintain and enhance the natural environment; diversity of fish and wildlife; human life; property and recreational use of waterways within the Town.

This ordinance may be applied on a site-by-site basis. The Town recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, system-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the State of Wisconsin. It is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community, where such plans are: a) developed under S. 281.16, Wisconsin State Statutes for regional stormwater management measures; b) are in conformance with the performance standards set forth in this ordinance; c) are approved by the Town; and d) are constructed.

24.04 DEFINITIONS

(1) For the purpose of this chapter, the following shall apply as indicated throughout the chapter:

(a) The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

(b) The present tense includes the future tense and the singular includes plural.

(c) The word “shall” is mandatory; the word “may” is permissive.

(d) The words ‘used” or “occupied” also mean intended, designed or arranged to be used or occupied.

(2) DEFINITION OF TERMS. For the purpose of this chapter, the following terms are defined;

1. “Administering authority” means the governmental employees or their designees empowered under S. 60.627, Wisconsin Statutes to administer this ordinance. For the purpose of this ordinance it is the Town Building Inspector under guidance from the Plan Commission.

2. “Agricultural activity” means planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. This includes waterways, drainage ditches, diversions, terraces, excavating, filling, and similar practices on farm fields.

3. “Best management practice” or “BMP” means a practice, technique or measure which is determined to be an effective means by the Plan Commission of preventing or reducing runoff pollutants to waters of the state, to a level compatible with the performance standards in 24.07 of this ordinance.

4. “Business day” means a day the office of the Town is routinely and customarily open for business.

5. “Cease and desist order” means an order issued by the administering authority to halt land development and land redevelopment activity that is being conducted without the required permit.

6. “Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total rainfall depth. Rainfall amounts for 24-hour design rainfall events in Outagamie County are: 100-year, 5.3 inches; 25-year. 4.4 inches; 10-year, 3.8 inches; 5-year. 3.3 inches; 2-year, 2.5 inches, and 1-year. 2.2 inches.

7. “Detention basin” A depression in the land surface designed to temporarily detain or hold back stormwater and release the water at a specified flow rate or rates. A detention basin may also be designed to reduce nonpoint source pollution and may be wet or dry. A retention basin is similar to a detention basin, except that a retention basin retains the runoff and does not release the water back into the runoff system.

8. “Discharge volume” means the quantity of runoff discharged from the land surface as the result of a rainfall event. It is usually expressed as cubic feet or acre-feet.

9. “Erosion” means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

10. “Financial guarantee” means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the administering authority by the permit holder to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.

11. “Floodplain” means the land, which has been or may be hereafter covered by floodwater during the regional flood. The regional flood is a flood, which is expected to occur at a frequency of 1% during any given year. The floodplain includes the flood fringe, flood storage areas, and floodway.

    (a) Flood fringe - that portion of the floodplain outside of the floodway, which is covered by floodwaters during the regional flood. The flood fringe is generally associated with standing water rather than rapidly flowing water.

    (b) Flood storage areas- that portion of the flood fringe which is used as flood storage volume when doing flood routings.

    (c) Floodway - which is the channel of the river or stream and those portions of the floodplain adjoining the channel required to carry and discharge the floodwater or flood flows associated with the regional flood and flood fringe.

12. “Impervious surface” means a land cover that releases as runoff all or a large portion of the precipitation that falls on it. Rooftops and paved areas such as; sidewalks, driveways, parking lots and streets are examples of surfaces that typically are impervious.

13. “Infiltration” means the process by which rainfall or surface ninoffpasses into or through the underlying soil.

14. “Infiltration device” means a practice such as a basin, trench, or swale designed specifically to encourage infiltration. This is not so broadly written as to include natural infiltration in pervious areas such as lawns or minimal infiltration from practices designed for purposes other than infiltration, such as swales designed for conveyance.

15. “Land development (and redevelopment) activity” The actor process of changing land through the construction of buildings, parking lots, roads, landscaping, etc. which causes a change in the amount, rate, or quality of stormwater runoff from the land. This applies to any change of land use including changes in vegetative cover.

16. “Landowner” means any person holding title to or having an interest in land.

17. “Maintenance agreement” means a legal document that is filed with the County Register of Deeds as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

18. “Maximum extent practicable” means a level of implementing best management practices to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historical properties and geographic features.

19. “Municipality” means a town, county, village, or city.

20. “Navigable” waters means Lake Superior, Lake Michigan, all natural inland lakes within the state and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The designation of a navigable stream is determined by the Wisconsin Department of Natural Resources, based on existence of bed and banks and the ability to float a canoe at least one day a year. Streams should be presumed to be navigable if they are designated as either continuous or intermittent waterways (blue lines) on the USGS quadrangle maps.

21. “NRCS” means the Natural Resources Conservation Service of the U.S. Department of Agriculture. Formerly known as the Soil Conservation Service (SCS).

22. “Non-residential development” means development that is not one or two family residential. This includes the following land uses: multi-family residential (more than 2 dwelling units on a single property) commercial, industrial, government and institutional, recreation, transportation, communication, and utilities.

23. “Off-site” means located outside the property boundary described in the permit application for land development or land redevelopment activity.

24. “On-site” means located within the property boundary described in the permit application for the land development or land redevelopment activity including the entire area of the tax parcel wherein the activity will occur.

25. “Ordinary high water mark” has the meaning on NR 11503(6), Wisconsin Administrative Code.

26. “Peak flow or peak flow discharge rate” means the maximum unit volume of stormwater discharged during a specified unit of time. This is usually expressed in terms of cubic feet per second (cfs).

27. “Performance standard” means a narrative or measurable number for a pollution source specifying the acceptable outcome for a facility or practice.

28. “Permit” means a written authorization made by the administering authority to the applicant to conduct land development or land redevelopment activities.

29. “Permit administration fee” means a sum of money paid to The administering authority by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit, including but not limited to application review, issuance where appropriate, and inspections.

30. “Pervious surface” means a surface that infiltiates rainfall. Lawns, fields and woodlands are examples of pervious surfaces.

31. “Pollutant” has the meaning in S. 283.01(13), Wisconsin State Statutes.

32. “Pollution” has the meaning in S. 281.01(10), Wisconsin State Statutes.

33. “Redevelopment” means new development that is replacing older development. Redevelopment in this ordinance only applies when the activity will increase the amount of exposed parking ots or roads or changes the existing drainage pattern.

34. Runoff curve number (RCN)” means an index that represents the combination of: a hydrologic soil group, land use, land cover, impervious area, interception storage, surface storage, arid antecedent moisture conditions. RCN’s convert mass rainfall into mass runoff. The NRCS defines RCN in TR-55.

35. “Site restriction” means any physical characteristic, which limits the use of a stormwater best management practices or management measures.

36. “Stop work order” means an order issued by the administering authority that requires that all construction activity on the site be stopped.

37. “Storm drainage system” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains which is designed for collecting water or conveying stormwater.

38. “Stormwater management measure” means structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

39. “Stormwater management plan” means a document that identifies what actions will be taken to reduce stormwater quantity and pollutant loads from land development and land redevelopment activity to levels that meet the purpose and intent of this ordinance.

40. “Stormwater management system plan” is a comprehensive plan developed to address stormwater drainage and nonpoint source pollution control problems on a watershed or sub-watershed basis, and which meets the purpose and intent of this ordinance.

41. “Stormwater Management Reference Guide” is a handbook containing technical and administrative material used by an administering authority to implement and administer this ordinance. It will be maintained at the County Zoning department.

42. “Stormwater runoff’ means that portion of the precipitation falling during a rainfall event, or that portion of snowmelt, that runs off the surface of the land and into the natural or artificial conveyance or drainage network.

43. “Structure”, as used in the context of construction or building, means any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground which includes but is not limited to such objects as roofed and/or walled buildings, storage tanks, bridges, eulverts, etc. and may include such things as fences or signs. The term also includes fill or filling which is the act by which earth, sand, gravel rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting there from.

44. “TR-55” means the U.S. Department of Agriculture, Natural Resource Conservation Service, Urban Hydrology for Small Watersheds”, Technical Release 55, 1986.

45. “Watercourse” means a natural or artificial channel through which water flows. These channels include: all blue and dashed blue lines on the USGS quadrangle maps, all channels shown on the soils maps in the NRCS soils book for Outagamie County, all channels identified on the site, and new channels that are created as part of a development. The term watercourse includes waters of the state as herein defmed.

46. “Watershed” An area bounded by a divide in which water drains to a specific point on the land.

47. “Waters of the state” means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers,

streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater-, natural or artificial, public or private, within Wisconsin or its jurisdiction.

48. “Wetland functional value” means the type, quality, and significance of the ecological and cultural benefits provided by wetland resources, such as: flood storage, water quality protection, groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation, and education.

49. “Wetlands” means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. These wetlands include but are not limited to natural, mitigated, and restored wetlands. Some wetlands are graphically shown on the DNR Wetland Inventory Maps dated May 8, 1994 or subsequent revisions.

24.05 APPLICABILITY AND JURISDICTION

(1) APPLICABILITY. This ordinance applies to all new land development and land redevelopment activity, unless otherwise exempted under sub. (4) below, or granted a variance under sub. (5) below.

(2) JURISDICTION. This ordinance applies to land development and land redevelopment activities within the boundaries of the Town of Freedom. Any area affected by the provisions of this ordinance shall not be exempt from applicability by reason of annexation or incorporation unless the annexing or incorporating municipality maintains and enforces an ordinance which is equally restrictive as this ordinance in accordance with the provisions of S. 60.627, Wisconsin Statutes.

(3) MAPS. Where any map is referred to in this ordinance and said map is a digital compilation, said digital map shall be the regulatory map for purposes of enforcement of this ordinance.

(4) EXEMPTIONS. This chapter shall not apply to the following and these activities are thereby exempt from all the requirements:

(a) All activities directly relating to agricultural activity, as defined in section .04 herein.

(b) Replacement or repair of private septic systems.

(c) Activities associated with non-metallic mining. (Non-metallic mining is addressed through the Non-Metallic Mining Ordinance).

(d) Any land disturbing or land development activity conducted by or contracted for any State agency, as defined under S. 227.01(1), Wisconsin Statutes, including but not limited to road construction projects administered by the Wisconsin Department of Transportation (DOT). These activities must meet the erosion control and stormwater management requirements of the state.

(5) VARIANCES. Variances from the requirements of this chapter will be provided, only if the Town Board under sec. 24.14 of this ordinance determines that:

(a) The site will have no appreciable negative off-site impact to water quality or water quantity;

(b) Compliance is impractical or impossible due to site conditions, urban street cross section requirements, or other circumstances beyond the control of the applicant;

(c) Compliance would be in direct conflict with other regulations or related objectives of this ordinance which would take precedent; or

(d) The specific requirement is not necessary for a particular site to ensure compliance with the stormwater management requirements of 24.07 of this ordinance.

Additionally, the variance process shall include a written recommendation from the town board as part of the application. The Town Board shall automatically decide any contested application. Any variance granted shall be in written or electronic form.

TECHNICAL REQUIREMENTS

24.06 TECHNICAL STANDARDS

The following methods shall be used in designing the water quantity, water quality, and infiltration
components of stormwater practices needed to meet the standards of this ordinance.

(1) Technical standards developed and disseminated by the Department of Natural Resources under subchapter V of NE. 151, Wisconsin Admin. Code, including subsequent revisions.

(2) Section IV of the Field Office Technical Guide, published by the USDA-Natural Resources Conservation Service.

(3) Where technical standards have not been developed and disseminated by the Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the administering authority.

(4) Where the administering authority determines that more stringent standards are required than those listed in (1) of this section, the administering authority may adopt more stringent standards.

(5) The Outagamie County Stormwater Management Reference guide, which is adopted by reference as a companion piece to this ordinance..

24.07 STORMWATER PERFORMANCE STANDARDS

(1) QUANTITY OF STORMWATER DISCHARGE. Unless otherwise provided for in this ordinance, all new land development and land redevelopment activities subject to this ordinance shall establish on-site best management practices to control the peak flow rates of stormwater discharged from the site and to preserve base flow in streams. The BMPs shall be designed, installed or applied, and maintained to the maximum extent practicable in accordance with a stormwater management plan. All of the following apply except as provided in 24.07 (l)(c):

(a) By design, the peak flow discharge rates after development must be equal to or less than peak flow rates before development. The peak flow rates before development will be computed using the pre-settlement (meadow) conditions for the 2-. 10- and 100-year, 24-horn design storms applicable to the site. Use the Runoff Curve Numbers designated in Table 1 for the appropriate soil hydrologic group(s). For the hydrologic calculations, use TR 55 methodology or an equivalent methodology if approved by the administering authority.

Table 1 - Maximum Pre-Settlement (Meadow) Runoff Curve Numbers

Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	30	58	71	78

Note: Source of Table 1 is: “Urban Hydrology for Small Watersheds” USDA Technical Release 55; June, 1986

(b) Discharge velocities must be non-erosive to discharge locations, outfall channels, and receiving streams.

(c) Exemptions. The following are not required to meet the requirements of this paragraph:

(1) Single family detached residential on existing lots of record as of the effective date of this ordinance less than 1 acre in size.

(2) Farm buildings and/or farm paved areas of less than 20,000 square feet of total new impervious surface on farms larger than 35 acres in size,

(3) A redevelopment site with no increase in exposed parking lots or roads and no change in the existing drainage pattern.

(2) QUALITY OF STORMWATER DISCHARGE. Unless otherwise provided for in this ordinance, all land development and land redevelopment activities subject to this ordinance shall establish on-site management practices to control the discharge of stormwater pollutants. The BMPs shall be designed, installed or applied and maintained, in accordance with a stormwater management plan. The plan shall provide for the control of stormwater discharges, the control of total suspended solids, and the control of other pollutants carried in runoff. All of the following apply except as provided in 24.07 (2)(f):

(a) Sediment Control: By design, reduce the annual average total suspended solids load in runoff by 80% for new development and 40% for redevelopment as compared to no controls for the site. The sediment reduction shall be accomplished in one of the following ways.

(1) For new development, a wet detention basin may be installed to receive stormwater runoff from the entire site. The wet detention pond shall be designed to meet standards contained in the DNR Wet Detention Standard Code 1001 (06/99) or a subsequently adopted version.

(2) Any alternative method acceptable to the approving authority. Two acceptable alternative methods to determine percentage of sediment removal are Source Loading and Management Model (SLAMM) and “Program for Predicting Polluting Particle Passage through Pits, Puddles & Ponds’ (P8).

If 80% of the total suspended solids load for new development, or 40% of the total suspended solids load for redevelopment will not be controlled from the site by design, then the stormwater management plan shall include a reasonable justification for not providing the control.

(b) Petroleum and Hydrocarbon Control: Fueling and vehicle maintenance areas shall have BMP’s designed, installed or applied, and maintained to reduce petroleum within runoff such as that the runoff that enters waters of the state contains no visible petroleum sheen after the point of treatment. Stormwater management devices do not substitute for emergency action spill control plans if required under different regulations.

(c) Existing wetlands shall not be altered or used to meet any of the requirements of this ordinance unless permitted by the WDNR and/or Army Corp of Engineers.

(d) Stormwater shall not be injected underground through excavations or openings in a manner that would violate S. NR 812.05 Wisconsin Administrative Code.

(e) Stormwater ponds and infiltration devices shall not be located closer to water supply wells than as indicated below without first notifying and obtaining approval from the administering authority:

(1) 100 feet from a well serving a private water system or a transient non-community public water system as specified in NR 812.08(4), Wis. Adm. Code;

(2) 400 feet from a well serving a municipal public water system, an other-than municipal public water system, or a non-transient non-community public water system as specified in NR 811.16(4), Wis. Adm. Code;

(3) within the boundary of a recharge area to a wellhead identified in a wellhead area protection plan.

(f) Exemptions. The following are not required to meet the requirements of this section:

(1) Single family detached residential on existing lots of record as of the effective date of this ordinance less than 1 acre in size.

(2) Farm buildings and/or farm paved areas having less than 20,000 square feet of total impervious surface on farms larger than 35 acres in size.

(3) A redevelopment site with no increase in exposed parking lots or roads and no change in the existing drainage pattern.

(3) INFILTRATION. BMPs shall be designed, installed, and maintained to infiltrate runoff to the maximum extent practicable in accordance with the following, except as provided in S. 07(3) (e) through (h).

(a) For residential developments one of the following shall be met:

(1) Infiltrate sufficient runoff volume so that the infiltration volume after development shall be at least 90% of the infiltration volume before development, based on an average annual rainfall. However, when

designing appropriate infiltration systems to meet this requirement, no more than 1% of the project site is required as an effective infiltration area.

(2) Infiltrate 25% of the runoff after development from the 2 year - 24 hour design storm with a type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the project site is required as an effective infiltration area.

(b) For non-residential development, including commercial, industrial and institutional development, one of the following shall be met:

(1) Infiltrate sufficient runoff volume so that the infiltration volume after development shall be at least 60% of the infiltration volume before development, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.

(2) Infiltrate 10% of the runoff from the 2 year -24 hour design storm with a type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.

(c) The conditions before development shall be the same as in 24.07 (1).

(d) Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with sub. h. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, bioflitration, filtration, swales or filter strips.

(e) Exclusions. The runoff from the following areas are prohibited from meeting the requirements of this section:

(1) Areas associated with tier 1 industrial facilities identified in S. NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, rooftop and parking.

(2) Storage and loading areas of tier 2 industrial facilities identified ins. NR 216.2 1(2)(b), Wis. Adm. Code.

(3) Fueling and vehicle maintenance areas.

(4) Areas within 1000 feet upgradient or within 100 feet downgradient of karst features.

(5) Areas with less than 3 feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.

(6) Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than 5 feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.

(7) Areas within 400 feet of a community water system well as specified in s. NR 811.16(4), Wis. Adm. Code, or within l00 feet of a private well as specified in s. NR 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development. Areas where contaminants of concern, as defined in S. NR 720.03(2), Wis. Adm. Code are present in the soil through which infiltration will occur.

(8) Any area where the soil does not exhibit one of the following soil characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: at least a 3-foot soil layer with 20% fines or greater; or at least a 5-foot soil layer with 10 percent fines or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This does not prohibit infiltration of roof runoff.

(f) Exemptions. The following are not required to meet the requirements of this section:

(1) Areas where the infiltration rate of the soil is less than 0.6-inches/hour.

(2) Parking areas and access roads less than 5,000 square feet for commercial and industrial development.

(3) Redevelopment sites.

(4) Farm buildings and/or paved areas having less than 20,000 square feet of total impervious surface on farms larger than 35 acres in size.

(5) In-fill development areas less than 5 acres.

(6) Infiltration areas during periods when the soil on the site is frozen.

(7) Roads in commercial, industrial and institutional land uses, arterial residential roads, township roads, and county roads.

(8) Single family detached residential on existing lots of record as of the effective date of this ordinance less than 1 acre in size.

(g) Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this paragraph.

(h) (1) Infiltration systems designed in accordance with this paragraph shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch. NR 140, Wis. Adm. Code. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

(2) Notwithstanding S. 07 (3) (h) (1) the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(4) PROTECTIVE AREAS. In this paragraph “protective areas” means an area of land that commences at the top of the bank for lakes and navigable streams, at the centerline of non- navigable watercourses, and at the delineated boundary of wetlands. Permanent vegetative cover will provide for bank stability, maintenance of fish habitat, and filtering of pollutants from up slope overland flow areas (cover can be mowed lawn). The protective area will keep the watercourse open to convey runoff and to provide some flood storage. No structures will be allowed in the protective area except road and utility crossings, boathouses where adjacent to navigable water, structures which are part of the stormwater management plan, and structures allowed by S. 59.692(lv), i.e., the “Gazebo Rule”, when adjacent to navigable water.

(a) Watercourses - The protective area shall be provided on each side of the watercourse, except for road ditches where only one side is required, and the minimum width on each side of the watercourse is as follows:

(1) For navigable streams, the protective area shall be 75 feet from the ordinary high water mark (OHWM— generally the top of the watercourse bank).

(2) For non-navigable watercourses having watersheds greater than 80 acres, the protective area shall be 50 feet from the watercourse centerline for platted subdivisions and commercial development and shall be 75 feet for single family detached residential.

(3) For non-navigable watercourses having watersheds 80 acres or less, the protective area shall be 25 feet from the watercourse centerline.

(4) Within a planned development or redevelopment site the watercourses may be moved or graded. The protective area dimensions move with the watercourse, and the protective area shall be contained within the property being developed. The watercourse shall be designed to be non-erosive and, if moved, to have adequate capacity within the protective area based on a 100-year, 24-hour storm, If watercourses are moved and leave the property at a different location, the watercourse downstream shall be protected from adverse impacts.

(5) Detention basins and similar stormwater protection facilities may be located in the protective areas of non-navigable watercourses provided the water quantity and quality functions of the protective area are maintained.

(6) Detention basins and similar stormwater protection facilities near navigable streams shall be outside the floodway, the flood storage areas, and the protective area, whichever is greater. The basins shall be designed such that the basin flood volume is maintained and such that the stream does not overflow into the basin during a 100-year, 24-hour storm.

(b) Lakes — The protective area shall be 75 feet.

(c) Wetlands — The protective area shall be 50 feet. All wetlands shall be delineated whenever the site includes soils that are rated as poorly or somewhat poorly drained according to the Soil Survey for Outagamie County. Delineation shalt be by a person knowledgeable in wetland soils,

plants, and hydrology. The wetland delineator must be approved by the administering authority.

(d) A larger protective area for either watercourses or wetlands may be required if deemed necessary by the Plan Commission based on site characteristics.

(5) ALTERNATE REQUIREMENTS. The administering authority may establish stormwater management requirements either more stringent or less stringent than those set forth in subs. (1), (2), (3) and (4) above provided that at least one of the following conditions applies. Alternate requirements must be in writing with specific goals stated.

(a) The administering authority determines that an added level of protection is needed to protect sensitive resources,

(b) The administering authority determines that the land development and land redevelopment activity is covered by an approved stormwater management system plan or existing conditions allow for management consistent with the purpose and intent of this ordinance.

(c) Provisions are made to manage storrnwater by an off-site facility, provided that all of the following conditions for the off-site facility are met:

(1) The facility is in place;

(2) The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance, and

(3) The facility has a legally obligated entity responsible for its long-term operation and maintenance.

(d) The administering authority finds that meeting the minimum on-site management requirements of this ordinance is not feasible due to space or site restrictions, or other unique conditions, provided that where this section is deemed applicable the maximum possible requirements shall be met and a variance has been granted by the Plan Commission.

24.08 PERMITTING REQUIREMENTS, PROCEDURES AND FEES

(1) PERMIT REQUIRED. No land owner or land operator may undertake a land development or land redevelopment activity subject to this ordinance without receiving a permit from the administering authority prior to commencing the proposed activity.

(2) PERMIT APPLICATION AND FEE. Unless specifically excluded by this ordinance, any landowner or operator desiring a permit shall submit to the administering authority a permit application made on a form provided by the administering authority for that purpose.

(a) Unless otherwise exempted by this ordinance, a permit application must be accompanied by the following in order that the permit application be considered for approval by the administering authority: a stormwater management plan, a maintenance agreement, a financial guarantee, and a non-refundable permit administration fee established in 24.12 of this ordinance.

(b) The stormwater management plan shall be prepared to meet the requirements of 24.07 and 24.09 of this ordinance, the maintenance agreement shall be prepared to meet the requirements of 24.10 of this ordinance, the financial guarantee shall meet the requirements of 24.11 of this ordinance, and fees shall be those established by the administering authority Board as set forth in 24.12 of this ordinance.

(3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The administering authority shall review any permit application that is submitted with a stonnwater management plan, a maintenance agreement, a fmancial guarantee, and the required fee. The following approval procedure shall be used:

(a) Within 20 business days of the receipt of a complete permit application, including all items as required by 24.08(2)(a), the administering authority shall inform the applicant whether the application, plan and maintenance agreement are approved, approved conditionally, or disapproved. The administering authority shall base the decision on requirements set forth in 24.07, 24.08, and 24.10 of this ordinance.

(b) If the stormwater permit application, the plan, and the maintenance agreement are approved, the administering authority shall issue the permit.

(c) If the stormwater permit application, plan or maintenance agreement is disapproved, the administering authority shall detail in writing of the reasons for disapproval.

(d) The administering authority may request additional information from the applicant. If additional information is submitted, the administering authority shall have 20 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved, approved conditionally, or disapproved.

(e) Failure by the administering authority to inform the permit applicant of a decision within the specified number of business days of a required submittal shall be deemed to mean approval of the submittal, and the applicant may proceed as if a permit had been issued. In this instance the applicant shall comply with the plan as submitted.

(4) PERMIT CONDITIONS. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The administering authority may suspend or revoke a permit for violation of a permit condition, following written notification to the permittee. An action by the administering authority to suspend or revoke this permit may be appealed in accordance with 24.14 of this ordinance.

(a) Compliance with this permit does not relieve the permit holder of the responsibility to comply with other applicable federal, state, and local laws and regulations.

(b) The permit holder shall install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.

(c) The permit holder shall notify the administering authority at least three (3) business days before commencing any work in conjunction with the stormwater management plan, and within three (3) business days upon completion of the stormwater management practice. If required as a special condition under par. (d), the permit holder shall make additional notification according to a schedule set forth by the administering authority so that practice installations can be inspected during construction.

(d) Permits issued under this subsection may include any special conditions needed to meet the performance standards in 24.07 or a financial guarantee as provided for in 24.11 of this ordinance. Permits issued as a result of a violation notice may contain conditions necessary to correct the violation, including specifying a timeframe within which certain actions need to be taken.

(e) Stormwater management practices that are constructed as part of this ordinance may be required by the administering authority to submit an “as built” by a professional engineer. Completed stormwater management practices must pass a final inspection by the administering authority or its designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The administering authority or its designee shall notify the permit holder in writing of any changes required in such practices to bring them into compliance with the conditions of the permit. Subsequent residential building permits may be

withheld until the as built plan has been submitted and approved by the administering authority.

(f) The permit holder shall notify the administering authority of any modifications it intends to make to an approved stormwater management plan. The administering authority shall require that the proposed modifications be submitted for approval prior to incorporation into the stormwater management plan and prior to execution.

(g) The permit holder shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of a municipality, or are transferred to subsequent private owners as specified in the approved maintenance agreement.

(h) If so directed by the administering authority, the permit holder shall repair at the permit holder's own expense all damage to adjoining public or private properties and watercourses caused by stormwater runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.

(i) The permit holder shall permit property access to the Building Inspector or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit. Permission so granted shall remain in place as specified in the recorded maintenance agreement.

(j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site the administering authority may require the permittee to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

(k) The permit holder is subject to the enforceable actions detailed in 24.13 of this ordinance if the permit holder fails to comply with the terms of this permit.

(5) PERMIT DURATION. Permits issued under this section shall be valid one (1) year from the date of issuance. The administrating authority may extend the period. Additional conditions may be imposed as a result of the extension as necessary to achieve compliance with the originally approved plan.

24.09 STORMWATER MANAGEMENT PLAN

(1) PLAN REQUIREMENTS. The stormwater management plan required under 24.08(2)(a) of this ordinance shall contain any information the administering

authority requires to evaluate the environmental characteristics of the area affected by land development and land redevelopment activity, the potential impacts of the proposed development upon the quality and quantity of stormwater discharges, the potential impacts upon water resources and drainage utilities, the potential impacts on groundwater, and the effectiveness and acceptability of proposed stormwater management measures in meeting the performance standards set forth in this ordinance. The items and information to include in the stormwater plan are set forth in the Stormwater Management Reference Guide. Unless specified otherwise by this ordinance, stormwater management plans shall contain at a minimum the following information:

(a) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party. This information shall be submitted as a maintenance agreement that is recordable with the County Register of Deeds.

(b) A proper legal description of the property proposed to be developed referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat as well as the correct tax parcel number and where applicable, the correct address.

(c) Site conditions before development, including:

(1) site maps;

(2) Computations of peak flow discharge rates and discharge volumes for the 2-year, 10-year, and l00-year/24 hour storm events,

(3) Soils and wetland investigations.

(d) Site conditions after development, including:

(1) Explanation of the provisions to preserve and use natural topography and land cover features.

(2) Explanation of any restrictions imposed by wellhead protection plans and ordinances.

(3) Appropriate site maps as required by the administering authority.

(4) Computations of peak flow discharge rates for the 2-year, 10-year, and 100- year/24 hour storm events.

(5) Design computations for stormwater quality practices and infiltration practices.

(6) Results of investigations of soils and groundwater.

(7) Results of impact assessments on wetland functional values.

(8) Design computations for the storm drainage system.

(9) Detailed drawings of all permanent stormwater conveyance and treatment practices.

(e) A description and installation schedule for the stormwater management practices.

(f) A maintenance plan developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.

(g) Cost estimates for the construction, operation, and maintenance of each stormwater management practice.

(h) Other information requested in writing by the administering authority to determine compliance of the proposed stormwater management measures with the provisions of this ordinance.

(i) All site investigations, plans, designs, computations, and drawings maybe required to be certified by a professional engineer to the effect that they have been prepared in accordance with accepted engineering practice and requirements of this ordinance.

(2) ALTERNATE REQUIREMENTS. The administering authority may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under 24.07(5) of this ordinance.

24.10 MAINTENANCE AGREEMENT

(1) MAINTENANCE AGREEMENT REQUIRED. The maintenance agreement required for stormwater management practices under 24.08(2) of this ordinance shall be an agreement between the administering authority and the permittee to provide for on-site inspection of construction allowed by the permit both during and after construction, and to inspect and enforce maintenance of stormwater practices beyond the duration period of this permit. The agreement or recordable document shall be recorded with the County Register of Deeds so that it is

binding upon all subsequent owners of land served by the stormwater management practices.

(2) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following information and provisions:

(a) Identification of the stormwater facilities and designation of the drainage area served by the facilities.

(b) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under 24.08(2).

(c) Identification of the landowner(s), organization or municipality responsible for long term maintenance of the stormwater management practices identified in the stormwater plan required under 24.08(2).

(d) Requirement that the landowner(s), organization, or municipality shall maintain stormwater management practices in accordance with the schedule included in par. (b).

(e) Authorization for the administering authority to access the property: to conduct inspections of stormwater practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement, and to do any maintenance work as required in 24. l0(2)(g) below.

(f) Agreement that the administering authority notifies the party designated under the maintenance agreement of maintenance problems that require correction and time frame for correction as determined by the administering authority.

(g) Upon failure to perform the necessary maintenance of the stormwater facilities, the County and/or town retains the right to perform maintenance and/or repairs. The costs shall be assessed to the developer or among the property owners within the development.

ADMINISTRATION

24.11 FINANCIAL GUARANTEE

(1) ESTABLISHMENT OF THE GUARANTEE. The administering authority shalt require the submittal of a financial guarantee, the form and type of which shall be acceptable to the administering authority. The financial guarantee shall be in an amount determined by the administering authority for the estimated construction

and maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the administering authority the funds to complete the stormwater management practices if the landowner defaults or does not properly implement the approved stormwater management plan, upon written notice of the landowner by the administering authority that the requirements of this ordinance have not been met.

(2) CONDITIONS FOR RELEASE. Conditions for the release of the financial guarantee are as follows:

(a) The administering authority shall release the portion of the fmancial guarantee established to assure installation of stormwater practices, less any costs incurred by the administering authority to complete installation of practices, The administering authority may require a submission of “as built plans” by a professional engineer. The administering authority may make partial pro-rata release of the financial guarantee based on the completion of various development stages.

(b) The administering authority shall release the portion of the financial security established to assure maintenance of stormwater practices, less any costs incurred by the administering authority, at such time that the responsibility for practice maintenance is passed on to another entity via an approved and recorded maintenance agreement.

24.12 FEE SCHEDULE

The administrating authority shall establish the fees referred to in other sections of this ordinance. All after the fact fees shall be subject to penalties

24.13 ENFORCEMENT AND PENALTIES

(1) Any land development and land redevelopment activity initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.

(2) The administering authority shall notify the responsible owner or operator by certified mail of any non-complying land development and land redevelopment activity. The notice shall describe the nature of the violation remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken.

(3) Upon receipt of written notification from the administering authority under subsection (2), the permit holder, or landowner, shall obtain a permit where required, and/or correct work which does not comply with the approved

stormwater management plan or other provisions of the permit. The permit holder, or landowner, shall make corrections as necessary to meet the specifications and schedules set forth by the administering authority in the notice.

(4) If the violations to this ordinance, either during construction of stormwater management facilities or the maintenance of those facilities, are likely to result in damage to properties, public facilities, or waters of the state, the administering authority may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the administering authority plus interest and legal costs shall be billed to the owner of title of the property.

(5) The administering authority is authorized to post a stop work order on all land development and land redevelopment activity in violation of this ordinance, or to request the Town Attorney to obtain a cease and desist order in any court with jurisdiction. When such a stop work order has been posted, it shall have the effect of causing the original permit to be revoked and in all cases, it shall be unlawful for any further work to proceed until the permit is either issued or reinstated.

(6) The administering authority may revoke a permit issued under this ordinance for noncompliance with ordinance provisions,

(7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the administering authority or by a court with jurisdiction.

(8) The administering authority is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the Town Attorney for the commencement of farther legal proceedings in any court with jurisdiction.

(9) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of not less than 50-dollars nor more than 1,000 dollars per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

(10) Every violation of this ordinance is a public nuisance. Compliance with this ordinance may be enforced by injunctional order at the suit of the administering authority pursuant to Wisconsin Statutes. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctional proceedings.

(11) When the administering authority determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the administering authority, or a party designated

by the administering authority, may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The administering authority shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial guarantee posted pursuant to S. 11 of this ordinance.

24.14 APPEALS AND VARIANCES

(1) APPEALS. The Town Board shall hear appeals of the provisions of this ordinance. The Board shall use the rules, procedures, duties, and powers authorized by statute for the Board of Adjustment in hearing and deciding appeals.

(2) WHO MAY APPEAL. Appeals to the Town Board may be taken by any aggrieved person, or by an officer, or supervisor affected by any decision of the administering authority.

(3) VARIANCES. In any particular case where the landowner can show that, by reason of exceptional topography or other physical condition, strict compliance with any requirement of this chapter would cause unnecessary hardship, the Town Board may grant a variance, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the Town. A majority vote of the entire membership of the Board shall be required to grant any modification to these regulations and any modification thus granted shall be entered in the minutes of the Committee, setting forth the reasons, which in the opinion of the Committee, justified the modification. No variance shall be granted by the Committee which is contrary to provisions of the Wisconsin Administrative Code or the Wisconsin Statutes.

24.15 SEVERABILITY

If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

CHAPTER 25

TOWN OF FREEDOM EROSION AND SEDIMENT CONTROL ORDINANCE

FOREWORD

The intent of this ordinance is to require use of best management practices to reduce the amount of sediment and other pollutants resulting from land disturbing construction activities on development sites. Use of this ordinance will foster consistent, town-wide application of the construction site performance standards for new development and redevelopment contained in subchapters III and IV of ch. NR 151 Wis. Adm. Code.

The Town Board of the Town of Freedom does hereby ordain that Chapter 25 of the Code of the Ordinances of the Town of Freedom is created to read as follows:

GENERAL REQUIREMENTS

25.01 AUTHORITY

This ordinance is adopted under the authority granted by S. 60.627, S 101.65(1)(a) and S. 101.651(3m), Wisconsin Statutes.

The Town Board hereby designates the Building Inspector as the administering authority to administer and enforce the provisions of this ordinance.

The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:

(a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33. Wis. Stats.

(b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

25.02 FINDINGS OF FACT

The Town Board finds that uncontrolled runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the Town of Freedom.

25.03 PURPOSE

It is the purpose of this ordinance to further the maintenance of safe and healthful conditions, prevent and control water pollution, prevent and control soil erosion, protect spawning grounds, protect fish and aquatic life, control building sites, control placement of structures and land uses, preserve ground cover and scenic beauty, and promote sound economic growth. This will be done by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Town of Freedom.

It is also the purpose to meet the performance standards in subchapters III and IV of ch. NR 151, Wis. Adm. Code and to meet the requirements for construction erosion in the Phase II National Pollutant Discharge Elimination System (NPDES) administered by the Federal Environmental Protection Agency (EPA).

25.04 DEFINITIONS

(1) For the purpose of this chapter, the following shall apply as indicated throughout the chapter:

(a) The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

(b) The present tense includes the future tense and the singular includes plural.

(c) The word “shall” is mandatory; the word “may” is permissive.

(d) The words “used” or “occupied” also mean intended, designed or arranged to be used or occupied.

(2) DEFINITION OF TERMS. For the purpose of this chapter, the following terms are defined:

1. “Administering authority” means the governmental employees or their designees empowered under S. 60.627, Wisconsin Statutes to administer this ordinance. For the purpose of this ordinance it is the Town Building Inspector under guidance from the Town Board.

2. “Agricultural activity” means planting, growing, cultivating and harvesting crops for human or livestock consumption and pasturing or outside yarding of livestock including sod farms and silviculture. This includes waterways, drainage ditches, diversions, terraces, excavating, filling, and similar practices on farm fields.

3. “Best management practice” or “BMP” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment, or pollutants carried in runoff to waters of the state.

4. “Business day” means a day the office of the administering authority is routinely and customarily open for business.

5. “Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

6. “Construction site” means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

7. “Erosion” means the process by which the lands surface is worn away by the action of wind, water, ice or gravity.

8. “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by soil erosion and sedimentation during land disturbing construction activity.

9. “Erosion and Sediment Control Reference Guide” means a handbook containing technical and administrative material used by an administering authority to implement and administer this ordinance. It will be maintained at the Town Hall.

10. “Final stabilization” means that all land disturbing construction activities at the construction site have been completed and that a perennial vegetative cover has been established with a density of 70% of the cover for the unpaved areas and areas not covered by permanent structures or that equivalent permanent stabilization measures have been employed.

11. “Land disturbing construction activity” means any man-made change of the land surface resulting in a change in the topography, existing vegetative and non-vegetative soil cover or the existing topography which may result in storm water runoff and lead to increased soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes, but is not limited to clearing and grubbing, demolition, excavating, pit trench dewatering, stockpiling, filling and grading activities, but does not include agricultural activities as defined in this document.

12. “Landowner” means any person holding title to or having an interest in land.

13. “MEP” or maximum extent practicable” means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

14. “Performance standard’ means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

15. “Permit” means a written authorization made by the administering authority to the applicant to conduct land disturbing construction activity.

16. “Responsible party” means any entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.

17. “Runoff” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet, shallow concentrated, or channelized flow.

18. “Sediment” means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

19. “Site” means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

20. “Stop work order” means an order issued by the administering authority that requires that all construction activity on the site be stopped.

21. “Watercourse” means a natural or artificial channel through which water flows. These channels include: all blue and dashed blue lines on the USGS quadrangle maps, all channels shown on the soils maps in the NRCS soils book for Outagamie County, all channels identified on the site, and new channels that are created as part of a development. The term watercourse includes waters of the state as herein defined.

22. “Waters of the state” means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers,

streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within Wisconsin or its jurisdiction.

25.05 APPLICABILITY AND JURISDICTION

(1) APPLICABILITY. These general applicability provisions apply to the following land disturbing construction activities, unless exempted in section 25.05(3):

(a) Those activities involving grading, removal of protective ground cover or vegetation, filling, excavation or other activity affecting a surface area of 4,000 square feet, including those associated with the construction of a structure:

(b) Those involving excavation or filling or a combination of excavation and filling affecting 100 cubic yards or more of soil, sand, or other excavation or fill material;

(c) Those involving street (public or private) or driveway construction, enlargement, relocation or reconstruction longer than 100 feet:

(d) Utility work and other disturbances of a continuous distance of 100 feet of road ditch, non-agricultural grass waterway, or other non-agricultural land area where drainage occurs in a watercourse;

(e) Those involving a continuous distance of 100 feet of land disturbing construction activity within a Protective Area as defined below:

In this paragraph “Protective Areas” means an area of land that commences at the top of the bank for lakes and navigable streams, at the centerline of non-navigable watercourses, and at the delineated boundary of wetlands. Permanent vegetative cover will provide for bank stability, maintenance of fish habitat, and filtering of pollutants from up-slope overland flow areas (cover can be mowed lawn). The protective area will keep the watercourse open to convey runoff and to provide some flood storage. No structures will be allowed in the protective area except road and utility crossings, boathouses where adjacent to navigable water, structures which are part of the stormwater management plan, and structures allowed by S. 59.692(1 v) i.e., the “Gazebo Rule”, when adjacent to navigable water.

(1) Watercourses: The protective area shall be provided on each side of the watercourse, except one side for road ditches, and the minimum width on each side of the watercourse is as follows:

a. For navigable streams, the protective area shall be 75 feet from the ordinary high water mark (OHWM--generally the top of the watercourse bank).

b. For non-navigable watercourses having watersheds greater than 80 acres, the protective area shall be 50 feet from the watercourse centerline for platted subdivisions and commercial development and shall be 75 feet for single family detached residential.

c. For non-navigable watercourses having watersheds 80 acres or less, the protective area shall be 25 feet from the watercourse centerline.

d. Within a planned development or redevelopment site the watercourses may be moved or graded. The protective area dimensions move with the watercourse, and the protective area shall be contained within the property being developed. The watercourse shall be designed to be non-erosive and to have adequate capacity within the protective area using a 100-year, 24-hour storm. If watercourses are moved and leave the property at a different location, the watercourse downstream shall be protected from adverse impacts.

(2) Wetlands: The protective area shall be 50 feet. All wetlands shall be delineated whenever the site includes soils that are rated as poorly or somewhat poorly drained according to the Soil Survey for Outagamie County. Delineation shall be by a person knowledgeable in the wetland soils, plants, and hydrology. The wetland delineator must be approved by the administering authority.

(f) Utility work and other disturbances for a continuous distance of 500 feet or more located out of road ditch, non-agricultural grass waterway, or other non-agricultural land area where drainage occurs in a watercourse.

(g) Notwithstanding the applicability requirements in paragraphs (a) through (f), this ordinance applies to construction sites of any size that, in the opinion of the administering authority, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) JURISDICTION. This ordinance applies to land disturbing activities within the Town of Freedom. Any area affected by the provisions of this ordinance shall not be exempt from applicability by reason of annexation or incorporation unless the annexing or incorporating municipality maintains and enforces an ordinance

which is equally restrictive as this ordinance in accordance with the provisions of S. 60.627, Wisconsin Statutes.

(3) EXEMPTIONS.

(a) Any land disturbing or land development activity conducted by or contracted for any State agency, as defined under S. .227.01(1), Wisconsin Statutes, including but not limited to road construction projects administered by the Wisconsin Department of Transportation. These activities must meet the erosion control and stormwater management requirements of the state.

(b) All activities directly relating to agricultural activity, as defined in section .04 herein.

(c) Replacement or repair of private septic systems.

(d) Activities associated with non-metallic mining. (Non-metallic mining is addressed through the Non-Metallic Mining Ordinance)

(e) Farm buildings, paved areas, and other land disturbing construction activity around the farm buildings having less than 20,000 square feet of total impervious surface on farms larger than 35 acres in size.

(f) The construction of one and two family residential buildings under Wisconsin Administrative Code COMM 21.125, which must meet the erosion control requirements of the Wisconsin Uniform Dwelling Code (UDC). One and two family residential building construction commenced prior to obtaining a building permit may require an erosion control permit, if the applicability conditions of section 25.05(1) are met.

TECHNICAL REQUIREMENTS

25.06 TECHNICAL STANDARDS

(1) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS. All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications based on any of the following, or the most recently adopted version thereof:

(a) Applicable design criteria, standards and specifications identified in the latest edition of the Wisconsin Construction Site Best Management Practice Handbook, WDNR Pub. WR-222 November 1993 Revision. As individual practices from Pub. WR-222 are published as DNR practice standards, the standard shall govern.

(b) Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.

(c) For this ordinance, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.

(d) Section IV of the Field Office Technical Guide, published by the USDA-Natural Resources Conservation Service as adopted and maintained by the Outagamie County Land Conservation Committee and Land & Water Conservation Department.

(e) The Outagamie County Erosion and Sediment Control Reference guide, which is adopted by reference as a companion piece to this ordinance.

(f) Other technical standards published or adopted by the above noted agencies, the Wisconsin Standards Oversight Council, or the Outagamie County Land Conservation Committee and the Land Conservation Department.

(2) OTHER STANDARDS. Other technical standards not identified or developed in sub. (1), may be used provided that the methods have been approved by the administering authority.

25.07 PERFORMANCE STANDARDS

(1) RESPONSIBLE PARTY. The responsible party shall implement an erosion and sediment control plan, developed in accordance with 25. 09, that incorporates the requirements of this section.

(2) PLAN. A written plan shall be developed in accordance with 25.09 and implemented for each land disturbance site.

(3) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The plan required under sub. (2) shall include the following:

(a) BMPs that, by design, achieve to the maximum extent practicable, a reduction of 80% of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80% sediment reduction to meet the requirements of this paragraph. Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of this paragraph. Credit

toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity. Design methods used shall be approved by the administering authority. Approved methods are shown in the Erosion and Sediment Control Reference Guide.

(b) Notwithstanding par. (a), if BMPs cannot be designed and implemented to reduce the sediment load by 80%, on an average annual basis, the plan shall include a written and site-specific explanation as to why the 80% reduction goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.

(c) Where appropriate the plan shall include sediment controls to do all of the following to the maximum extent practicable:

1. TRACKING: Minimize tracking of sediment from the site onto roads and other paved surfaces. Each site shall have graveled roads, access drives, and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday. Sediment tracked by construction equipment from a site onto an offsite public or private paved road or sidewalk shall be minimized by providing a non-tracking access roadway. The access roadway shall be installed as approved on the plan.

2. STORAGE AND DISPOSAL: Assure proper use, storage and disposal of chemicals, cement, and other compounds used on construction sites. All building material waste shall be properly managed and disposed of to prevent pollutants and debris from being carried off site by runoff.

3. DEWATERING: Minimize the discharge of sediment as part of site de-watering. Discharge of sediment as a result of dewatering shall be treated using BMPs.

4. STORM SEDIMENT: After a storm event clean up sediments deposited on roadways or off site by the end of the next working day following the occurrence.

5. STORM SEWER INLETS: Provide storm sewer inlet protection. All downslope storm sewer inlets shall be protected.

(4) LOCATION. The BMPs used to comply with this section shall be located prior to runoff leaving the site and entering navigable waters of the state.

(5) ALTERNATE REQUIREMENTS. The administering authority may establish storm water management requirements more stringent than those set forth in this section if the administering authority determines that an added level of protection is needed for sensitive resources.

25.08 PERMITTING REQUIREMENTS, PROCEDURES AND FEES

(1) PERMIT REQUIRED. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site.

(2) PERMIT APPLICATION AND FEES. At least one responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of 25.09 and shall pay an application fee according to the fee schedule to the administering authority. By submitting an application, the applicant is authorizing the administering authority to enter the site to obtain information required for the review of the erosion and sediment control plan.

(3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The administering authority shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

(a) Within 20 business days of the receipt of a complete permit application, as required by sub. (2), the administering authority shall inform the applicant whether the application and plan are approved or disapproved based on t he requirements of this ordinance.

(b) If the permit application and plan are approved, the administering authority shall issue a permit.

(c) If the permit application or plan is disapproved, the administering authority shall state in writing the reasons for disapproval.

(d) The administering authority may request additional information from the applicant. If additional information is submitted, the administering authority shall have 20 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.

(e) Failure by the administering authority to inform the permit applicant of a decision within 20 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(f) Annual Permits will be available to the Town, and utilities for projects that are planned to take place during the upcoming year. All eligible projects shall utilize the best management practices for the given circumstances. The project list shall be submitted to the administering authority for review and determination of eligibility. An annual fee shall be required.

(4) PERMIT REQUIREMENTS. The permit requirements will be set forth in the Permit Approval.

(a) The administering authority shall have the right to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan.

(b) A copy of the erosion and sediment control plan shall be kept at the site.

(5) PERMIT CONDITIONS. Permits issued under this section may include conditions established by the administering authority in addition to the requirements set forth in the permit approval letter where needed to assure compliance with the performance standards in 25.07.

(6) PERMIT DURATION. The permit duration will be set forth in the Permit pproval.

(7) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization and final acceptance by the administering authority. Upon failure to perform the necessary maintenance of the erosion control practices, the administering authority retains the right to perform maintenance and/or repairs. The costs shall be assessed to the developer or among the property owners within the development.

25.09 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT, AND AMENDMENTS

(1) EROSION AND SEDIMENT CONTROL PLAN.

(a) An erosion and sediment control plan shall be prepared and submitted to the administering authority.

(b) The erosion and sediment control plan shall be designed to meet the performance standards in 25.07 and other requirements of this ordinance.

(c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall

include, at a minimum, the items specified in the Erosion and Sediment Control Reference Guide.

(d) The erosion and sediment control plan shall include a site map. The map shall include all items specified in the Erosion and Sediment Control Reference Guide.

(e) Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include items as listed in the Erosion and Sediment Control Reference Guide.

(f) The erosion and sediment control plan shall include measures to prevent erosion at all stormwater discharge locations so that the natural physical and biological characteristics and functions are maintained and protected.

(2) AMENDMENTS. The applicant shall amend the plan if any of the following occur:

(a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.

(b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.

(c) The administering authority notifies the applicant of changes needed in the plan.

ADMINISTRATION

25.10 FINANCIAL GUARANTEE

(1) ESTABLISHMENT OF THE GUARANTEE. The administering authority shall require the submittal of a financial guarantee, the form and type of which shall be acceptable to the administering authority. The financial guarantee shall be in an amount determined by the administering authority for the estimated construction and maintenance of the practices called for in the erosion and sediment control plan. The administering authority may require the site to be certified by a professional engineer as called for in 24.08 of the Stormwater Management Ordinance. The financial guarantee shall give the administering authority the funds to complete the erosion and sediment control practices if the landowner

defaults or does not properly implement the approved erosion and sediment control plan. Improper implementation of the plan shall be upon written notice by the administering authority that the requirements of this ordinance have not been met.

(2) CONDITIONS FOR RELEASE. Conditions for the release of the financial guarantee are as follows:

The administering authority shall release the portion of the financial guarantee established to assure installation of erosion and sediment control practices, less any costs incurred by the administering authority to complete installation of practices. The release will occur after the stormwater practices have been inspected by the administering authority and/or certified by a professional engineer.

25.11 FEE SCHEDULE

The administrating authority shall establish the fees referred to in other sections of this ordinance. The Town Board may, from time to time, modify the fees based upon justified program administration costs. Such modifications will not require that a public hearing be held; however, proposed changes will be public notices prior to Board action. All after the fact fees shall be subject to penalties.

25.12 INSPECTION

If land disturbing construction activities are being carried out without a permit required by this ordinance, the administering authority may enter the land pursuant to the provisions of ss. 66.0119(1), (2), and (3), Wis. Stats.

25.13 ENFORCEMENT AND PENALTIES

(1) Any land disturbing construction activity initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.

(2) The administering authority shall notify the responsible owner or operator by certified mail of any non-complying land disturbing construction activity. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken.

(3) Upon receipt of written notification from the administering authority under this subsection, the permit holder, or landowner, shall obtain a permit where required, and/or correct work which does not comply with the erosion control plan or other provisions of the permit. The permit holder, or landowner, shall make corrections

as necessary to meet the specifications and schedules set forth by the administering authority in the notice.

(4) If the violations to this ordinance, either during construction of erosion control facilities or the maintenance of those facilities, are likely to result in damage to properties, public facilities, or waters of the state, the administering authority may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the administering authority plus interest and legal costs shall be billed to the owner of title of the property.

(5) The administering authority is authorized to post a stop work order on all land disturbing construction activity in violation of this ordinance, or to request the Town Attorney to obtain a cease and desist order in any court with jurisdiction. When such a stop work order has been posted, it shall have the effect of causing the original permit to be revoked and in all cases, it shall be unlawful for any further work to proceed until the permit is either issued or reinstated.

(6) The administering authority may revoke a permit issued under this ordinance for noncompliance with ordinance provisions.

(7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the administering authority or by a court with jurisdiction.

(8) The administering authority is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the Town Attorney for the commencement of further legal proceedings in any court with jurisdiction.

(9) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of not less than 50 dollars nor more than 1,000 dollars per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

(10) Every violation of this ordinance is a public nuisance. Compliance with this Ordinance may be enforced by injunctional order at the suit of the administering authority pursuant to S. 59.69(11), Wisconsin Statutes. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctional proceedings.

25.14 APPEALS

(1) APPEALS. The Town Board shall hear appeals of the provisions of this ordinance. The Board shall use the rules, procedures, duties, and powers authorized by statute for Boards of Appeal in hearing and deciding appeals.

(2) WHO MAY APPEAL. Appeals to the Town Board may be taken by any a ggrieved person or by an officer, or supervisor affected by any decision of the administering authority.

(3) VARIANCES. In any particular case where the landowner can show that, by reason of exceptional topography or other physical condition strict compliance with any requirement of this chapter would cause unnecessary hardship, the Town Board may grant a variance, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the Town. A majority vote of the entire membership of the Town Board shall be required to grant any modification to these regulations and any modification thus granted shall be entered in the minutes of the Board, setting forth the reasons, which in the opinion of the Board, justified the modification. No variance shall be granted by the Board which is contrary to provisions of the Wisconsin Administrative Code or the Wisconsin Statutes.

25.15 SEVERABILITY

If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

SECTION 26.100 INTRODUCTION

26.100 PURPOSE AND INTENT. The purpose of this ordinance is to promote the public health, safety, convenience and general welfare by ensuring, to the maximum extent practicable, that future development and/or redevelopment of multi-family, commercial or industrial subdivisions or individual parcels of land in the Town of Freedom is compatible with existing or potential development of adjacent or nearby properties and with public improvements and facilities such as roads, sewers, and surface drainage. This ordinance provides minimum regulations, provisions and requirements for safe and aesthetically pleasing design and quality standards for multi-family, commercial or industrial development within the town. This ordinance is intended to encourage development in the town that is consistent with the desire to preserve the town's character. This article is implemented under the Town's authority to promote and protect the public health, safety and welfare; to protect property values and the property tax base; to protect the beauty and amenities of landscapes and developments; and to assist in the full implementation of the Town's Comprehensive Plan.

26.101 AUTHORITY. The provisions of this article are established pursuant to the authority conferred by Wis. Stats. 60.23, 61.34(1), 61.34(5), by adoption of village powers pursuant to Wis. Stats. 60.10.

26.102 EXTENT OF POWER. This ordinance is designed to determine, establish, regulate and restrict:

(1) Ingress and egress
(2) Parking and on-site circulation
(3) Storm water management and erosion control
(4) Sanitary sewer and water
(5) External lighting
(6) Landscaping
(7) Signage
(8) Outdoor storage
(9) Architectural features and the specific location and orientation of buildings and structures

26.103 APPLICABILITY OF OTHER ORDINANCES AND REGULATIONS. The regulations and standards of this ordinance are minimum requirements. Other regulations and standards contained in the Outagamie County Zoning Ordinance, the Outagamie and Town of Freedom Subdivision Ordinances, and the Wisconsin Administrative Code that pertain to the use and development of property may apply. To the extent possible, the regulations and standards of this ordinance shall be construed consistent with and in harmony with other applicable regulations and standards provided, however, in the event of a conflict, the most restrictive regulation or standard shall apply.

26.104 SEVERABILITY. It is declared to be the legislative intent that should any provision or part of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance in its entirety or any part thereof, other than that so declared to be invalid.

26.105 JURISDICTION. This ordinance applies throughout the Town of Freedom.

26.106 EFFECTIVE DATE. This ordinance shall be effective after adoption by the Town Board of Supervisors of the Town of Freedom and after publication.

SECTION 26.200 GENERAL PROVISIONS

26.201 APPLICABILITY OF REGULATIONS.

(1) The regulations set forth in this ordinance shall apply to all multi-family, commercial, and industrial buildings, parking, and structures or additions thereto that require a building permit and are located in the RMF Multi-Family Residential, CL Local Commercial, CR Regional Commercial, CP Planned Commercial Office, or IND Industrial zoning districts. In addition, the regulations apply to commercial and industrial special exception uses and structures in the AED Exclusive Agricultural and AGD General Agricultural zoning districts and to permitted commercial and industrial principal uses and structures in the AGD General Agricultural that are special exception uses and structures in the AED Exclusive Agricultural zoning district.

(2) Exceptions to these regulations are as follows:

(a) Principal buildings or structures that were erected or constructed prior to the effective date of adoption of this ordinance are allowed to make minor improvements to these structures. These improvements must make significant efforts to conform to the site plan ordinance. Any additional square footage added to these structures must be in full compliance to the site plan ordinance. A site plan of changes must be submitted in the same process as outlined in this ordinance.

(b) An addition of 20 or fewer parking spaces to an existing parking lot or an alteration of an existing parking lot that results in an addition of 20 or fewer parking spaces.

(c) Earthen berm less than three feet in height.

(3) Property located in the First Addition to the Freedom Industrial Park Plat shall be subject to the requirements in the Declaration of Covenants and Restrictions for the plat.

26.202 SITE PLAN APPROVAL REQUIRED. No building or structure or part thereof requiring a building permit and not exempt pursuant to 26.201 above shall hereafter be erected, constructed or reconstructed and no building permit shall be issued unless a site plan has been submitted and approved according to the requirements and procedures set forth herein.

26.203 MAINTENANCE. Provisions of this ordinance and other ordinances referenced herein become the continued responsibility of the owner of the premises, who is responsible for the maintenance, repair and replacement of site plan requirements.

26.204 FINAL APPROVED SITE PLAN. Upon approval one paper copy, one electronic copy (dwg format) and supporting documents of an approved site plan shall be submitted to the Town of Freedom.

26.205 RECORD DRAWING. The project owner will supply the Town of Freedom with final record drawing documentation in the form of one paper copy, one electronic copy (pdf and dwg format) and supportive documentation of the constructed site plan. In submitting the documentation, the project owner agrees to be liable for the accuracy of the record drawing.

26.206 SITE PLAN AGREEMENT. As a condition of approval, the landowner shall enter into a Site Plan Improvement Agreement with the Town, containing the following provisions:

(1) Identifying the approved site plan including the submittal of a record drawing

(2) Identifying the estimated cost of required site improvements for parking, access, landscaping and other required improvements

(3) Providing the completion date
(4) Providing for a financial guarantee in the form of a cash escrow deposit with the Town, or a letter of credit or a performance bond for the benefit of the Town and in the name of the Town in an amount not to exceed the estimated costs of the required improvements, for a term commensurate with the completion date plus three additional months, for the purpose of ensuring that required improvements will be completed in a timely manner.

The Town Engineer and/or Planner will monitor the progress of the required improvements and will inform the Town Board if there is a need to use the cash escrow deposit, letter of credit or performance bond to complete the project or if the escrow deposit can be returned.

SECTION 26.300 SITE PLAN REVIEW CRITERIA

26.301 INTENSITY CATEGORIES. The Town of Freedom's Comprehensive Plan contains three intensity levels - high intensity, medium intensity, and low intensity – for commercial development. The locations of these three levels are shown on the Future Land Use Plan and are described below in (1) through (3). If a commercial development is proposed for an area not located in one of the three intensity levels, the Town of Freedom Plan Commission will decide which level will apply based in part on the zoning district that the Outagamie County Planning and Zoning Department has determined to be applicable to the commercial development.

(1) **High intensity** development would include but not be limited to "big box" retailers, large automobile dealerships, hotels and motels, and recreational establishments. High intensity development would typically to be located in a CR Regional Commercial or CP Planned Commercial Office. Site size may range from five to 40 acres. Building design would be commercial or industrial in nature.

(2) **Medium intensity** development would include but not be limited to larger retail outlets (but not "big boxes"), convenience stores, garden centers, and storage establishments that would require a CR Regional Commercial, CL Local Commercial, or CP Planned Commercial Office. Site size may range from two to 20 acres. Building design would be commercial in nature.

(3) **Low intensity** development would include professional offices and small neighborhood centers with retail outlets and service establishments that would require a CL Local Commercial or a CP Planned Commercial Office zoning district. Site size may range from one to ten acres. Building design would be more residential in nature with masonry facades and low to medium pitched, shingled roofs.

26.302 APPLICABILITY

(1) The site plan review criteria apply to multi-family residential development, all three intensity levels for commercial development, and industrial development except where indicated.

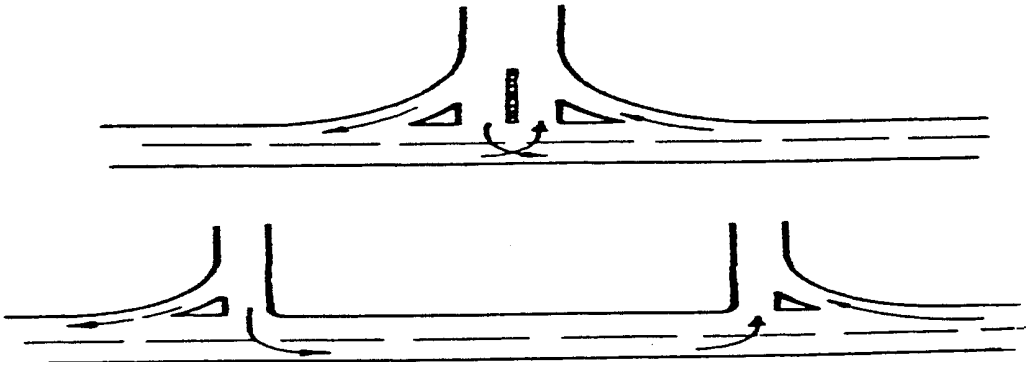
(2) Where there is a difference between the requirements of this ordinance and the Outagamie County Zoning Ordinance, the more restrictive shall apply.

26.303 INGRESS AND EGRESS

(1) **Configuration.** Driveways shall ordinarily intersect with public streets as nearly as possible at right angles. For all commercial and industrial uses with access to streets with posted speeds of 45 miles per hour or greater, a channelized "T" intersection as depicted in Figure 1 below, may be required. For high intensity uses, acceleration and deceleration lanes may also be required. Appropriate accommodation of traffic volume may be addressed by requiring additional stacking room and at no time shall stacking interfere with internal and external traffic flow.

(2) **Multiple Frontage.** Where a parcel abuts two streets, access may be limited to the street with the lowest functional classification, i.e., arterial, collector and local.

FIGURE 1



(3) **Number and Spacing.** No parcel fronting on a public street for less than 100 feet shall ordinarily have more than one driveway access to that street. No parcel fronting on a public street for between 100 feet and 250 feet shall ordinarily have more than two driveway accesses to that street provided, however, that the centerline of the two driveways should not be closer than 50 feet for local or collector streets or closer than 75 feet for arterial streets. One additional access may be approved for each additional 250 feet subject to the centerline separation of 50 feet for local or collector streets and 75 feet for arterial streets. Access points on county and state roads are subject to the applicable county or state regulation.

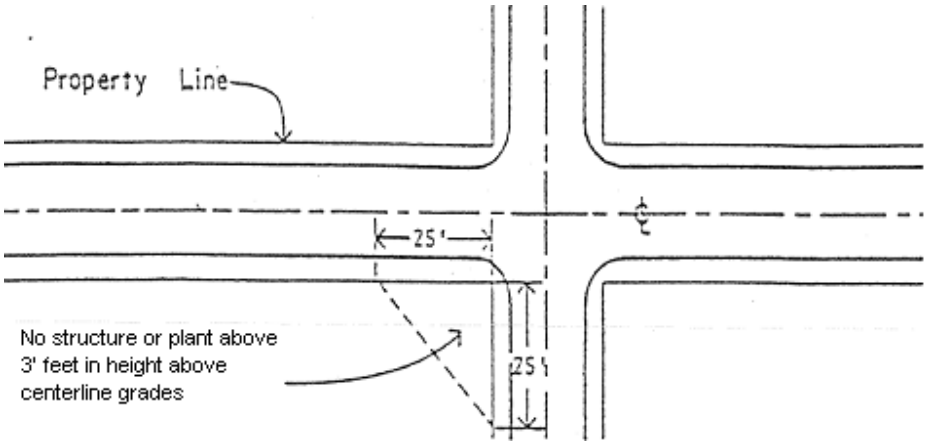
(4) **Corner and Lot Line Clearance.** No driveway shall be constructed with its centerline closer than 50 feet to a local street intersection; closer than 75 feet to a collector street intersection; or closer than 100 feet to an arterial street intersection. No driveway shall be constructed with its centerline closer than 25 feet to a property line except when the driveway is jointly used by the adjoining property.

(5) **Width.** Minimum driveway widths of 24 feet are required. Driveways shall not exceed a maximum width of 36 feet at their juncture with the street pavement or 30 feet in width at the property line.

(6) **Coordination With Opposite Side Driveways, Roadways, and Buildings.** Driveways shall be located to minimize potential interference and conflicts with the use of buildings, roadways and driveways located on the opposite side of the street.

(7) **Vision Corner.** Driveways shall list vision corners at all intersections with the public right-of-way. These shall be indicated to provide 25 feet from the intersection into the property and 25 feet along the property with a connecting line between their furthest points (see Figure 2).

FIGURE 2



26.304 PARKING AND ON-SITE CIRCULATION

(1) The site plan shall meet at a minimum the parking requirements of the zoning district in the Outagamie County Zoning Ordinance that is applicable to the development.

(2) **Internal Parking Areas**

(a) **Surface.** All off-street parking and loading areas shall be surfaced with bituminous asphalt, concrete or a dustless material within six months of occupancy. All surfaces shall be maintained in a smooth, well graded condition.

(b) **Drainage.** All off-street parking facilities shall meet the drainage requirements set forth in Chapter 24 Stormwater Management of the Town of Freedom's Ordinances.

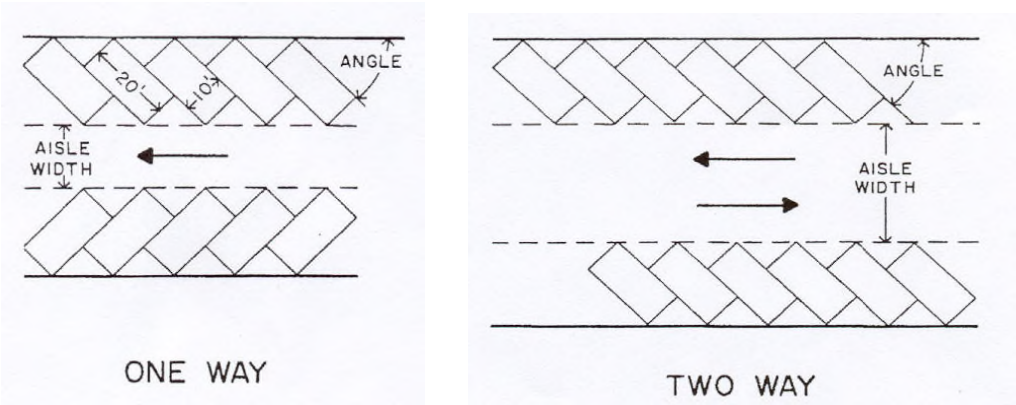
(c) **Location and Arrangement.** Subject to required landscaping areas, all required yards in commercial and industrial districts may be used for off street parking. Off-street parking shall be arranged for convenient access and safety of pedestrians and vehicles. Off-street parking shall be arranged so that no vehicle shall be required to back from such facilities directly onto public streets. Except for driveways, no part of the right-of-way shall be used for vehicle maneuvering or parking. Side yard parking must maintain a 25 foot setback from those parcels zoned residential.

(d) **Dimensional Standards.** Each off-street parking space shall not be less than nine (9) feet in width and not less than eighteen (18) feet in length. Minimum aisle width shall be as follows (See Table 1 and Figure 3):

TABLE 1

Angle of Parking	One Way Aisle	Two Way Aisle
Parallel	12 feet	24 feet
30 °	12 feet	24 feet
45 °	13 feet	24 feet
60 °	18 feet	24 feet
90 °	20 feet	24 feet

FIGURE 3



(e) **Required Landscape Areas and Pedestrian Ways.** Any off-street parking area in excess of 5,000 square feet shall have landscaped areas equaling not less than 15 percent of the parking area intermittently placed throughout the parking area. Planting requirements shall be consistent with the landscaping requirements and are factored into their provisions where applicable. Curbed planting islands or peninsulas shall be provided as described below.

1. Parking spaces must be separated by a planting island or peninsula at the rate of one (1) island/peninsula for each row of twelve (12) consecutive parking spaces for single row configurations, or for each twenty-four (24) consecutive parking spaces in double row configurations.

2. Each island or peninsula shall be at least 270 square feet in area for single row configurations, and 540 square feet in area for double row configurations.

3. Where practicable, islands and peninsulas shall be placed at the ends of parking rows or along designated pedestrian circulation areas. Planted boulevards within off-street parking areas may be considered as an alternative to islands and peninsulas. The islands must be underlain by soil and shall be protected by curbing unless a modified curb is used for drainage.

(f) **Marking.** Any off-street parking area in excess of 5,000 square feet or ten off-street parking spaces shall have individual spaces marked.

(g) **Curbs.** All off-street parking spaces shall have curbs so as to prevent vehicles from overhanging into pedestrian ways.

26.305 STORM WATER MANAGEMENT AND EROSION CONTROL

(1) In addition to providing a grading and drainage plan, site plans must comply with Chapter 24 Stormwater Management and Chapter 25 Erosion and Sediment Control of the Town of Freedom's Ordinances.

(2) To the maximum extent practicable, existing watercourses and drainage patterns shall be maintained. Modifications of existing watercourses or drainage patterns shall not unduly impair or impede drainage from other parcels in the watershed. All drain tile shall not be terminated or discontinued without provision to accommodate tile flows. There shall be no hard-piping of storm water directly off-site. Storm water piping within a parcel is permitted.

26.306 SANITARY SEWER AND WATER

(1) **Sanitary District.** All developments located in the Town of Freedom Sanitary District shall connect to public sanitary sewer and water when available. Written documentation must be submitted confirming that the Sanitary District has reviewed and approved the plans for connection to sanitary sewer and water. If sewer and water is not currently available but the Sanitary District is planning on extending sewer and water to the site, written documentation must be submitted stating when public sanitary sewer and water will provided. If sewer and water is not currently available and the Sanitary District is not planning on extending services, the site must conform to Sections 23.306(1) and (2).

(2) **Private Sanitary Sewer.** Any development proposed to be served by private on-site wastewater treatment systems shall provide evidence that the system complies with Wisconsin Department of Commerce Administrative Codes and with Outagamie County sanitary sewer regulations.

(3) **Private Well.** Any development proposed to be served by a private well shall provide evidence that the system complies with Wisconsin Department of Natural Resources Administrative Codes.

26.307 EXTERNAL LIGHTING

(1) A lighting plan shall be submitted as part of the site plan.

(2) No exterior lighting, whether freestanding or mounted on a building or structure, shall be reflected or produce unreasonable glare beyond the parcel boundaries. All exterior lighting fixtures, either wall mounted or freestanding shall be identified on the face of the site plan. The exterior lighting shall state the dispersion pattern, intensity of light, and cut-off shielding that reflects light downward and in which the light source is not visible from adjacent properties. No undue lighting shall extend beyond the property lines.

(3) Pedestrian walkways and parking areas shall be illuminated to a sufficient level so as to provide for safety and security.

26.308 LANDSCAPING

(1) **General Requirements**

(a) The landscape design and planting plan is to be an integral part of the site

development. All landscape plans will be reviewed in conjunction with the overall site development plan. All vegetation used to satisfy requirements of this section shall be indigenous to the appropriate hardiness zone and physical characteristics of the site. Landscape features should be used so as to create a park-like appearance while addressing the considerations of visual screening, land cooling, drainage and other environmental concerns.

(b) Minimum sizes of plantings shall be as follows:
   1. Deciduous trees: two-inch diameter as measured six inches from the ground.
   2. Coniferous trees: a minimum of six feet in height.
   3. Evergreen shrubs: a minimum of 24 inches in height.

(c) All plant material shall conform to American Standards for Nursery Stock, latest edition, sponsored by the American Association of Nurserymen, Inc. All vegetation shall be planted in accordance with accepted planting procedures. Plants that die must be replaced within one year. When a height specification is stated, the planted material must obtain said height within five years.

(d) All approved landscaping is to be installed within one planting season of the landscape/site development plan approval. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance, and free of refuse and debris. All plantings shall be arranged and maintained so as not to obscure the vision of traffic. Any vegetation which is shown on the approved landscape/site development plan that dies must be replaced within one planting season per the approved landscape/site development plan.

(e) All landscaping shall be completed before final occupancy is granted. If it is not possible due to weather conditions, then the applicant shall enter into a development agreement with the town which specifies a planting schedule and shall submit a bond or letter of credit in the amount for the cost of completing such landscaping as required in the landscape plan.

(f) It shall be the responsibility of the owner and/or lessee of the principal use or building to perform the necessary maintenance of all landscaping, including mowing, weeding, trimming, watering, and fertilization of all grass, ground cover shrubs or trees, and the removal of dead or waste material.

(2) **Multi-Family Residential.** Landscaping requirements, at a minimum, are as regulated in Section 54-208 in the RMF Multi-Family Residential District in the Outagamie County Zoning Ordinance. The following requirements apply to the extent that they are more restrictive:

(a) The minimum green space area shall be 30 percent of the total lot.

(b) The street front yard and side yards abutting the front one third of the building shall be seeded or sodded. All other yards shall at least be seeded with appropriate seed mix. The following exceptions may be granted:
   1. The use of mulch materials for shrubs and foundation plantings.
   2. The seeding of future expansion areas as shown on site development plans.
   3. Areas designated as green space, to be properly planted and maintained in a natural state.

(c) All existing trees shall be preserved whenever possible, with necessary removal approved as part of the landscape plan. The minimum number of trees planted shall be one tree per 5,000 square feet of total lot area or fraction thereof.

(d) The number of shrubs shall not be less than one per 1,000 square feet of total lot

area or fraction thereof, up to five-acres of development. For developments over five acres, the number of shrubs shall not be less than one per 1,000 square feet for the first five-acres and shall not be less than one per 3,000 square feet of lot area or fraction thereof for the area over five-acres. An equivalent landscape plan may be approved to address unique circumstances.

(3) **High Intensity Commercial.** Landscaping requirements, at a minimum, are as regulated in Section 54-236 in the CL Local Commercial District, Section 54-262 in the CR Regional Commercial District or in Section 54-282 in the CP Planned Commercial Office District in the Outagamie County Zoning Ordinance, whichever is applicable. The following requirements apply to the extent that they are more restrictive:

(a) The front, side and rear yards shall be graded, landscaped and planted with trees, shrubs, ground cover and appropriate natural landscaping materials.

(4) **Medium Intensity Commercial.** Landscaping requirements, at a minimum, are as regulated in Section 54-236 in the CL Local Commercial District, Section 54-262 in the CR Regional Commercial District or in Section 54-282 in the CP Planned Commercial Office District in the Outagamie County Zoning Ordinance, whichever is applicable. The following requirements apply to the extent that they are more restrictive:

(a) The front, side and rear yards shall be graded, landscaped and planted with trees, shrubs, ground cover and appropriate natural landscaping materials.
(b) All existing trees shall be preserved whenever possible, with necessary removal approved as part of the landscape plan. The minimum number of trees planted shall be one tree per 5,000 square feet of total lot area or fraction thereof.
(c) The number of shrubs shall not be less than one per 1,000 square feet of total lot area or fraction thereof, up to five acres of development. For developments over five acres, the number of shrubs shall not be less than one per 1,000 square feet for the first five acres and shall not be less than one per 3,000 square feet of lot area or fraction thereof for the area over five acres. An equivalent landscape plan may be approved to address unique circumstances.

(5) **Low Intensity Commercial.** Landscaping requirements, at a minimum, are as regulated in Section 54-236 in the CL Local Commercial District, Section 54-262 in the CR Regional Commercial District or in Section 54-282 in the CP Planned Commercial Office District in the Outagamie County Zoning Ordinance, whichever is applicable. The following requirements apply to the extent that they are more restrictive:

(a) The minimum green space area shall be 30 percent of the total lot.
(b) The front, side and rear yards shall be graded, landscaped and planted with trees, shrubs, ground cover and appropriate natural landscaping materials.
(c) The street front yard and side yards abutting the front one third of the building shall be seeded or sodded. All other green areas shall at least be seeded with appropriate seed mix. The following exceptions may be granted:
    1. The use of mulch materials for shrubs and foundation plantings.
    2. The seeding of future expansion areas as shown on site development plans.
    3. Areas designated as green space, to be properly planted and maintained in a natural state.
(d) When a site is abutting residential zonings, a berm may be required which is four

feet high and 16 feet wide, with plantings that will provide 75 percent opacity within five years.

(e) All existing trees shall be preserved whenever possible, with necessary removal approved as part of the landscape plan. The minimum number of trees planted shall be one tree per 5,000 square feet of total lot area or fraction thereof.

(f) The number of shrubs shall not be less than one per 1,000 square feet of total lot area or fraction thereof, up to five-acres of development. For developments over five acres, the number of shrubs shall not be less than one per 1,000 square feet for the first five-acres and shall not be less than one per 3,000 square feet of lot area or fraction thereof for the area over five-acres. An equivalent landscape plan may be approved to address unique circumstances.

(6) **Industrial.** Landscaping requirements, at a minimum, are as regulated in Section 54-309 in the IND Industrial District in the Outagamie County Zoning Ordinance. The following requirements apply to the extent that they are more restrictive:

(a) The front, side and rear yards shall be graded, landscaped and planted with trees, shrubs, ground cover and appropriate natural landscaping materials.

26.309 SIGNAGE

(1) **Multi-Family Residential.** As regulated in Section 54-209 in the RMF Multi-Family Residential District and in Section 54-355 in the Outagamie County Zoning Ordinance.

(2) **High Intensity Commercial.** As regulated in Section 54-237 in the CL Local Commercial District, Section 54-263 in the CR Regional Commercial District or in Section 54-283 in the CP Planned Commercial Office District and in Section 54-355 in the Outagamie County Zoning Ordinance, whichever is applicable.

(3) **Medium Intensity Commercial.** As regulated in Section 54-237 in the CL Local Commercial District, Section 54-263 in the CR Regional Commercial District or in Section 54-283 in the CP Planned Commercial Office District and in Section 54-355 in the Outagamie County Zoning Ordinance, whichever is applicable.

(4) **Low Intensity Commercial.** As regulated in Section 54-283 in the CP Planned Commercial Office District and in Section 54-355 in the Outagamie County Zoning Ordinance, regardless of the actual zoning district in which the property is located.

(5) **Industrial.** As regulated in Section 54-310 in the IND Industrial District and in Section 54-355 in the Outagamie County Zoning Ordinance.

26.310 OUTDOOR STORAGE

(1) **Multi-Family Residential**

(a) No outside storage of any kind shall be permitted

(b) All refuse containers must be enclosed by a fence of solid material such as will provide a suitable visual screen. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the buildings.

(2) **High Intensity Commercial**

(a) No outside storage of any kind shall be permitted unless such stored materials are visually screened from all streets and adjoining properties with a suitable fence, vegetation, berm, or combination thereof approved by the Plan Commission. Screening shall be attractive in appearance and in keeping with the architectural quality of the main structure. Said storage shall be limited to behind the front line of the building on the property, and within the building setback lines.
(b) All refuse containers must be enclosed by a fence of solid material such as will provide a suitable visual screen. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the buildings.
(c) All storage areas shall be paved.
(d) No trucks or truck trailers, or trailer or semi trailers shall be used for storage on any lot for more than seven consecutive days.

(3) **Medium Intensity Commercial**

(a) No outside storage of any kind shall be permitted unless such stored materials are visually screened from all streets and adjoining properties with a suitable fence, vegetation, berm, or combination thereof approved by the Plan Commission. Screening shall be attractive in appearance and in keeping with the architectural quality of the main structure. Said storage shall be limited to behind the front line of the building on the property, and within the building setback lines.
(b) All refuse containers must be enclosed by a fence of solid material such as will provide a suitable visual screen. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the buildings.
(c) All storage areas shall be paved.
(d) No trucks or truck trailers, or trailer or semi trailers shall be used for storage on any lot for more than seven consecutive days.

(4) **Low Intensity Commercial**

(a) No outside storage of any kind shall be permitted
(b) All refuse containers must be enclosed by a structure, the exterior walls of which are of the same material as found on the exterior walls of the principal building. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the buildings.
(c) All storage areas shall be paved.
(d) No trucks or truck trailers, or trailer or semi trailers shall be used for storage on any lot.

(5) **Industrial**

(a) No outside storage of any kind shall be permitted unless such stored materials are visually screened from all streets and adjoining properties with a suitable fence, vegetation, berm, or combination thereof approved by the Plan Commission. Screening shall be attractive in appearance and in keeping with the architectural quality of the main structure. Said storage shall be limited to behind the front line of the building on the property, and within the building setback lines.
(b) All refuse containers must be enclosed by a fence of solid material such as will provide a suitable visual screen. No waste material or refuse may be dumped or

permitted to remain on any part of the property outside of the buildings.

(c) All storage areas between the front and back line of the building on the property shall be paved. Storage areas behind the back line of the building do not have to be paved but must be maintained in a smooth, well-graded condition.

(d) No trucks or truck trailers, or trailer or semi trailers shall be used for storage on any lot for more than seven consecutive days.

26.311 ARCHITECTURAL FEATURES

(1) **Applicability**

(a) This section applies only to commercial and industrial structures.

(2) **General Design Criteria**

(a) **Architectural Design Intent.** One dominant material and theme shall be selected based upon its own natural integrity.

1. Additional materials shall maintain the building theme and accentuate the dominant material.
2. Materials shall convey permanence, substance, durability, timelessness and restraint, with low maintenance.
3. Sustainable design principles and conservation of natural raw materials by utilizing renewable and or recycled materials.
4. Building size and massing will be compatible with other structures on adjoining properties.
5. Proposed building materials and colors shall be compatible with materials and colors of adjoining properties.
6. Mechanical equipment that will be readily visible when viewed at ground level from other properties or from major public ways shall be softened by screening or covered in a manner that forms an integral part of the building design.
7. Architectural design features shall be a part of the design that may include distinctive main building entrance features as well as reduction of apparent size of long facades by introduction of offsets, roof lines, cornice lines, or change of materials.

(b) **Acceptable Roofing Materials.** For roof construction provide any of the following roofing systems or materials consistent with the design theme of the building.

1. Asphalt, fiber-cement, slate or wood shingles on sloped roofs.
2. Architectural metal roof panels on sloped roofs.
3. Materials as approved for flat roofs.

(c) **Acceptable Exterior Building Materials.** It is the intent to create a high level of aesthetic development and to promote a positive community and regional influence. A primary (dominant) material shall be used with up to two additional secondary (accent) materials to present a consistent design theme. Proposed building materials and colors shall be compatible with materials and colors of adjoining properties.

(d) **Temporary Wall Exception.** For high and medium intensity commercial buildings and for industrial buildings where a future addition is planned, it is not the intention of this section to limit growth within the community by requiring temporary exterior walls to be constructed of higher (acceptable) quality materials. Temporary exemption shall not exceed 10 years after original occupancy. For other than the primary street façade(s), the following materials may be considered as exceptions for temporary exterior walls:

1. Non-decorative exposed concrete block where block is painted and maintained in a color consistent with the building design theme and dominant material.
2. Non-flat metal panels.
3. Stucco system.
4. Other material as approved.

(e) **Infill Development.** It is the intent to preserve the existing architectural image of the community. For that purpose, developments that will "infill" between adjoining properties shall be compatible in massing, scale, use of exterior materials and general aesthetic design in such a manner to enhance the overall appearance of the entire grouping of properties.

(f) **Accessory Buildings.**

1. Accessory buildings shall be located on the site per requirements of the zoning district.
2. Accessory buildings shall maintain the same theme and material selections as the principal building.
3. Any unheated storage structure, attached or unattached to the primary building, that later is occupied for any other use but cold storage, shall be upgraded to meet the standards required for that business district.

(g) **Screening.** It is the intent of this section to provide screening of flat roof structures under a 3/12 pitch and roof or ground mounted mechanical equipment that will be readily visible when viewed at ground level from other properties or from major public ways. View towards equipment shall be screening to 75% opacity or covered in a manner that forms an integral part of the building design. Screening shall be permanent and complementary to the design intent of the building. Screening may be in the form of fencing, screen walls or parapets, or landscaping and shall be constructed of one of the following materials:

1. Wood or masonry fencing.
2. Metal solid or louvered screen wall.
3. Parapet using same material as building.
4. Evergreen landscaping materials with height at maturity at least 6 inches above top of highest point of equipment.

(h) **Loading Docks.** Adequate loading dock space shall be provided to address the needs of a building function.

1. Loading docks should be located in the side or rear setback to minimize exposure to the general public. Should the building orientation or parcel not provide a suitable accommodation or present an undue hardship the Town

Board may allow the loading dock in the front yard setback if a practical alternative does not exist.

2. Loading docks shall be located on the site such that they fully accommodate the length and maneuvering clearances required without extending into required front yard setbacks or landscape buffer yards. Maneuvering of vehicles to enter or exit from the docks shall not encroach upon any public road or highway.
3. A landscape buffer yard shall be constructed, according to the landscaping requirements, between loading docks and any single or two-family properties.

(i) **Awnings, Canopies and Projections.** The use of awnings, canopies and projections in the architectural design of commercial buildings is encouraged to divide the massing of a building into "pedestrian-friendly" areas. Awnings, canopies and projections shall be consistent with the architectural design intent of the building and compatible with adjoining properties. Awnings, canopies and projections shall be of size, proportion, material and color to compliment or enhance the features of the building. These elements must also meet other zoning regulations regarding setbacks and size in addition to the requirements of this section.

(j) **Building Orientation.** The building orientation can be adjusted to meet specific site concerns of a parcel to include aesthetic considerations of adjoining properties.

(k) **Internal Building Layout.** Floor plans shall be submitted that indicate general uses and provide adequate accommodation for the public where appropriate. Common areas such as entrances shall provide the necessary square footage to prevent overcrowding. All internal uses that could limit external pedestrian or vehicular traffic shall be avoided.

(l) **Exceptions.** Should a particular parcel present an undue hardship or needs arise to mitigate adjoining land use impacts, provisions of these regulations can be modified so long as the intent is protected and not be utilized in significant fashion as to warrant revision.

(3) **Exterior Wall Coverage - High Intensity Commercial**

(a) Acceptable primary exterior building materials shall cover 33 percent or more of wall surfaces facing a front yard setback and 25 percent or more of wall surfaces facing a side yard setback. Those areas deemed to be of limited exposure to the general public percentages may be lowered so long as the intent of this provision is maintained. Additional limitation to public view may be achieved by building location, orientation, additional landscaping or additional screening.

(b) **Acceptable Primary (Dominant) Exterior Building Materials**.

1. Clay or masonry brick
2. Natural or manufactured stone
3. Decorative concrete masonry (sealed) with color consistent with design theme.

4. Poured-in-place, tilt-up or precast architectural concrete (shall have stone, texture or coating appearance consistent with design theme)
5. Glass curtain walls
6. Other materials as approved

(c) **Acceptable Secondary (Accent) Exterior Building Materials**.

1. Non-flat metal panels.
2. Stucco system.
3. Non-decorative exposed concrete block where block is painted and maintained in a color consistent with the building design theme and dominant material.
4. Other materials as approved

(4) **Exterior Wall Coverage - Medium Intensity Commercial**

(a) Acceptable primary exterior building materials shall cover 50 percent or more of wall surfaces facing a front yard setback, 33 percent or more of wall surfaces facing a side yard setback, and 25 percent or more of wall surfaces facing a rear yard setback. Those areas deemed to be of limited exposure to the general public percentages may be lowered so long as the intent of this provision is maintained. Additional limitation to public view may be achieved by building location, orientation, additional landscaping or additional screening.

(b) Acceptable Primary (Dominant) Exterior Building Materials

1. Clay or masonry brick
2. Natural or manufactured stone
3. Decorative concrete masonry (sealed) with color consistent with design theme.
4. Poured-in-place, tilt-up or precast architectural concrete (shall have stone, texture or coating appearance consistent with design theme)
5. Glass curtain walls
6. Other materials as approved

(c) Acceptable Secondary (Accent) Exterior Building Materials

1. Non-flat metal panels.
2. Stucco system.
3. Non-decorative exposed concrete block where block is painted and maintained in a color consistent with the building design theme and dominant material.
4. Vinyl, aluminum, or wood siding.
5. Other materials as approved

(5) **Exterior Wall Coverage - Low Intensity Commercial**

(a) Acceptable primary exterior building materials shall cover 100 percent of wall surfaces facing a front, side, or rear yard setback. Those areas deemed to be of limited exposure to the general public percentages may be lowered so long as the intent of this provision is maintained. Additional limitation to public view may be

achieved by building location, orientation, additional landscaping or additional screening.

(b) Acceptable Primary (Dominant) Exterior Building Materials

1. Clay or masonry brick
2. Natural or manufactured stone
3. Decorative concrete masonry (sealed) with color consistent with design theme.
4. Vinyl, aluminum, or wood siding.
5. Other materials as approved

(c) Acceptable Secondary (Accent) Exterior Building Materials

1. Stucco system.
2. Non-decorative exposed concrete block where block is painted and maintained in a color consistent with the building design theme and dominant material.
3. Vinyl, aluminum, or wood siding.
4. Other materials as approved

(6) **Exterior Wall Coverage - Industrial**

(a) Exterior Wall Coverage. Acceptable primary exterior building materials shall cover 25 percent or more of wall surfaces facing a front or side yard setback. Those areas deemed to be of limited exposure to the general public percentages may be lowered so long as the intent of this provision is maintained. Additional limitation to public view may be achieved by building location, orientation, additional landscaping or additional screening.

(b) Acceptable Primary (Dominant) Exterior Building Materials

1. Clay or masonry brick
2. Natural or manufactured stone
3. Decorative concrete masonry (sealed) with color consistent with design theme.
4. Poured-in-place, tilt-up or precast architectural concrete (shall have stone, texture or coating appearance consistent with design theme)
5. Other materials as approved

(c) Acceptable Secondary (Accent) Exterior Building Materials

1. Non-flat metal panels.
2. Stucco system.
3. Non-decorative exposed concrete block where block is painted and maintained in a color consistent with the building design theme and dominant material.
4. Vinyl, aluminum, or wood siding.
5. Other materials as approved

SECTION 26.400 SITE PLAN SUBMITTAL

26.401 APPLICABILITY AND PROCEDURE

(1) When a site plan is required per Section 26.201 of this ordinance, such site plan shall be submitted in advance of or at the same time as an application for a building permit or at the same time as an application for a special exception, as the case may be. The Town Clerk administrator shall immediately circulate the site plan to the Town's engineer, planner, and building inspector, to the chief of the Town's fire department, and to the Town of Freedom Sanitary District #1 for their review and comment.

(2) A conceptual site plan may be submitted prior to the submission of the final site plan application. The Plan Commission and Town Board will review the conceptual site plan to determine if there any specific or unusual concerns that will need to be addressed in the final site plan. No formal action will be taken on the conceptual site plan.

(3) Within 30 days of submittal of the final site plan, the Town Clerk shall transmit the final site plan along with all pertinent comments to the Plan Commission for its consideration and recommendation to the Town Board.

26.402 CONTENTS OF THE SITE PLAN. A site plan, based on an exact survey of the property drawn to a scale of sufficient size, shall contain the following elements, where applicable:

(1) Statements of ownership and control of the proposed development.

(2) Statement describing in detail the character and intended use of the development including the hours of operation if a commercial or industrial use.

(3) The title of the project and the names of the project planner and developer, date and north arrow.

(4) Boundaries of the project.

(5) Existing and proposed streets, watercourses, and easements.

(6) Exact location of all existing and proposed buildings and structures including the outdoor storage and screening of equipment and materials other than vehicles.

(7) Architectural plans including elevations for the exterior walls of all buildings, lighting, signs, and landscaping.

(8) Access and traffic flow; off-street parking and off-street loading area.

(9) Recreation facilities locations, if applicable.

(10) Access to utilities and points of utility hookups.

(11) Tabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to the various permitted uses.

(12) Tabulations showing the derivation of numbers of off-street parking and loading spaces and total project density in dwelling units per gross acre.

(13) Grading and drainage plans and drawings needed to demonstrate compliance with Chapter 24 Storm Water Management and Chapter 25 Erosion and Sediment Control of the Town's ordinances, if needed.

(14) Proof that existing or proposed sanitary and water systems, if not provided by the Town of Freedom Sanitary District, are in compliance with the applicable regulations.

(15) If located in the IND Industrial zoning district, descriptions of industrial processes and materials pertinent to conformance with the industrial performance standards contained in the Outagamie County Zoning Ordinance.

(16) If common facilities, such as recreation areas or structures, common open space, etc., are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners' associations covenants, surety

arrangements or other legal instruments providing adequate guarantee to the Town that such common facilities will not become a future liability for the Town.

(17) Such additional data, maps, plans or statements as may be required for the particular use or activity involved or as the applicant, Town staff, Plan Commission, or Town Board may believe is pertinent.

26.403 SITE PLAN DRAWING REQUIREMENTS. Drawings shall include a site plan, floor plan, exterior building elevations and other documentation to show conformance with this ordinance. Plans shall be drawn to scale and submitted on sheets no larger than 24x36 or smaller than 11x17.

26.404 SUPPLEMENTARY RESOURCES. If particular circumstances exist that warrant increased study or analysis to fulfill the requirements or intent of this ordinance the cost of such consultation shall be passed on to the applicant. During this time the 60-day review period shall be suspended pending the receipt of all information requested.

26.405 PUBLIC PARTICIPATION. While no public notice and hearing is required for site plan consideration, such matters shall be handled in public session as part of a previously prepared agenda. All matters relating to site plan consideration shall be a public record. Written notice of the meeting at which the final site plan is to be considered shall be mailed to the applicant and all property owners of record within 300 feet of the outer boundaries of the property.

SECTION 26.500 ADMINISTRATION

26.501 **SITE PLAN APPROVAL.** The Plan Commission shall review the site plan and forward it to the Town Board along with a recommendation to approve, approve conditionally, or reject the site plan. The Town Board shall have the authority to take action to approve, approve conditionally or reject the final site plan within 60 days of submittal and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the property owner. Failure of the Town Board to act within the 60 days or extension thereof constitutes approval of the site plan. No public notice and hearing is required for site plan consideration, but action shall be taken in public session as part of a previously prepared agenda.

26.502 **RECORDS**. Town Board approval of a site plan shall be noted on the face of the site plan by signatures of the Town Board Chairperson and Town Clerk and the date of approval. The Town shall keep on file one paper copy, one electronic copy and supportive documentation of all approved site plans. All matters of site plan approval shall be of public record.

26.503 **DEVELOPMENT AND REDEVELOPMENT TO BE AS PROVIDED IN APPROVED SITE PLANS.** An approved site plan shall constitute a condition for the issuance of a building permit. An approved site plan only authorizes development or redevelopment as set forth in the approved site plan. Development or redevelopment at variance with that set forth on an approved site plan shall be deemed a violation of this ordinance.

26.504 **MODIFICATIONS OR AMENDMENTS AFTER APPROVAL**. In the event special conditions and circumstances exist which are peculiar to the land, which would cause unnecessary hardship or practical difficulties to develop or redevelop the parcel in strict conformity with the requirements in this ordinance or with an approved site plan, the Town Board may modify the requirements of this ordinance or amend the site plan provided the spirit and intent of this ordinance shall be observed. Any amendment after site plan approval shall be noted on the face of the site plan with the date of the amendment.

26.505 **MINOR SITE PLAN ADJUSTMENTS. Minor site plan adjustments that do not significantly alter** the submittal nor contradict any provision of this ordinance can be approved, approved with conditions, or denied by the Town Engineer and/or Planner following final approval. Changes to the plan must be submitted in writing and if approved an amended copy of the site plan must be furnished to the Town for public record.

26.506 **SITE PLAN REVIEW FEE.** There is hereby established a site plan review fee per the Town of Freedom's "Application Fee Schedule & Submittal Criteria". The site plan review fee shall be paid to the Town Clerk at the time of site plan submittal. Payment of the site plan review fee is a prerequisite site for submittal and action by the Plan Commission and Town Board. Special meeting costs are the cost of the applicant and are held at the discretion of the Plan Commission Chair and correspondingly the Town Board Chair.

26.507 **VIOLATIONS**. It shall be a violation of this ordinance to develop or redevelop a parcel subject to site plan approval without obtaining site plan approval. It shall be a violation of this ordinance to develop or redevelop a parcel contrary or inconsistent with an approved site plan.

26.508 **EXPIRATION**. The approval of any site plan required by this section shall remain valid for one (1) year after the date of final approval, after which time the site plan shall be deemed null and void if the development has not been established or actual construction commenced. An extension of up to an additional twelve months may be granted by the Town Board upon receipt

of an application for an extension. If the site plan has changed, the Town Engineer and/or Planner will review the changes to determine if they are major or minor. If the changes are major, a revised site plan will need to be submitted in accordance with the requirements of this ordinance. If the changes are minor, the site plan can be adjusted per section 26.505 of this ordinance.

For purposes of this article “actual construction” shall mean that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing of financial arrangements, issuance of building permits, letting of contracts, grading of property or stockpiling of material on the site shall not constitute actual construction.

26.509 **REMEDIES.** Compliance with the provisions of this ordinance may be enforced by appropriate fines and penalties. Compliance may also be enforced by injunctional suit of the Town.

26.510 **PENALTIES**. Any person, firm, association, partnership, trust or corporation who violates any provision of this ordinance, or any order issued hereunder, shall upon conviction, forfeit not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000.00) together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

26.511 **APPEALS.** Any person, firm, association, partnership, trust, or corporation aggrieved by any decision or determination of the Town Board, may within 30 days after the decision or determination, commence an action seeking review by certiorari.

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CHAPTER 28

WASTE DISPOSAL

28.01 PURPOSE

The purpose of this regulation is to further the maintenance of safe and healthful conditions, prevent and control water pollution, promote the public health, safety and convenience and interest of the residents of the Town of Freedom, Outagamie County, Wisconsin, by establishing minimum standards governing the location and disposal of waste material, solid or liquid, of any kind or nature in the Town of Freedom, Outagamie County, Wisconsin.

28.02 DEFINITIONS

(1) Property Owner. Property owner, for (he purposes of this section, is defined as being any person, partnership, Corporation or other type of organization owning, renting or otherwise using or controlling the use of lands within the boundaries of the Town of Freedom, Outagamie County, Wisconsin and upon whose land waste is dumped or disposed of requiring a permit under the terms of this ordinance.

(2) Transporter. A transporter is defined to be any person, partnership, corporation or other type organization who, by truck or other conveyance, hauls waste subject to the provisions of this ordinance within boundaries of the Town of Freedom, Outagamie County, Wisconsin.

(3) Waste. Waste as defined for the purposes of this ordinance shall mean garbage, refuse, sludge and other organic waste, but excluding from this definition animal manure, commonly used by farmers for fertilizer.

(4) Dumping or Disposal. Dumping or disposal includes, but is not limited to unloading, throwing away, discarding, emptying, abandoning, discharging, burning or burying waste, garbage, refuse or sludge on, into or under any property or lands, whether publicly or privately owned, within the Town of Freedom. Dumping and disposal is not intended to include the filling of land areas with natural soil, sand, gravel or other clean dirt material.

(5) Garbage. Garbage is discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

(6) Refuse. Refuse is combustible and non-combustible discarded material including, but not limited to trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial waste, dead animals, mine tailings, gravel pit and quarry spoils, toxic and hazardous waste, and material and debris resulting from construction or demolition.

(7) Sludge. Sludge includes sewage sludge or bio solids defined in NR204.03(55) or any other material acquired or derived from a “publically owned treatment works” (POTW) or “privately owned domestic wastewater treatment works” as defined in NR204.03(44) and (45) of the Wisconsin Administrative Code.

(8) Municipality. Municipality is any city, village, town or county.

28.03 LICENSE REQUIRED. (1) A license is required by any property owner who intends to dump or dispose of waste on lands in the Town of Freedom. The following shall not be deemed to come within the scope of this ordinance requiring a license:

(a) The dumping or disposal of waste, garbage or refuse from a single family or household, a member of which is the property owner provided that such waste, garbage or refuse is placed in suitable containers or stored in such other way as to not cause a public or private nuisance.

(b) Agricultural waste provided the same is disposed of in accordance with good and reasonable agricultural practices.

(c) Liquid animal waste stored in agricultural slurry systems or approved liquid manure pits.

(d) Septic or holding tank waste provided that the disposal of said waste is done pursuant to all applicable DNR regulations.

(2) A license shall be required by any transporter of waste materials in the Town of Freedom, Outagamie County, State of Wisconsin.

28.04 GENERAL REGULATION

(1) Application for License. The application for license shall be made to the Town Board for the Town of Freedom, Outagamie County, Wisconsin, in writing. The application shall contain the following information:

(a) The name and address of the applicant; if the applicant is a corporation, the name and address of the corporation's registered agent.

(b) The legal description of the location for waste disposal to be used in the Town of Freedom, Outagamie County, Wisconsin.

(c) The name of the municipality or person, firm or corporation with whom the applicant has a contract to dispose of garbage, rubbish and refuse and the name of the transporter.

(d) The length of time the applicant intends to conduct disposal operations on said site.

(e) The application for license shall have attached to it a license issued by the Department of Natural Resources for the State of Wisconsin or its successor if said license is required under Wisconsin Statutes.

(f) If the transporter license is necessary under this ordinance, said application for transporter's license shall include an application by the property owner for a license required under this chapter. A separate license must be obtained by each property owner upon whose land such disposal of waste shall take place.

(g) Type of waste.

(h) Method of application.

(i) A copy of any applications for permits or reports required by the DNR.

(j) Route of travel for transporter.

(k) The location and the distance of the nearest well and residence to the place where the waste will be disposed.

(2) Term of License. A license issued hereunder shall not be for a period of more than thirty (30) days.

(3) License Fee. The applicant shall accompany his application with a license fee of One Hundred ($100.00) Dollars. If the application is denied, the license fee shall be returned to the applicant.

(4) Granting of License. The Town Board in granting the license shall specify in said license the following information:

(a) The hours in which the applicant may dump or dispose of waste.

(b) The type of waste covered by said license.

(c) The number of days in which the applicant may dump or dispose of waste on the specific property.

(d) That all Wisconsin and Department of Natural Resources regulations are incorporated in the license and violation of any of said state or department regulations constitutes a violation of the license warranting revocation.

(e) The method by which the waste is to be applied to the land.

(f) Route of travel to be used by transporter.

28.05 LIMITATION

The population of the Town of Freedom having increased substantially only waste generated within the Town shall be transported, dumped or disposed on lands within said Town.

28.10 PENALTY

(1) Fine. Any person, partnership, corporation or other entity convicted or a violation of this ordinance or part thereof shall be fined not less than $50.00 nor more than $500.00 together with costs of prosecution of each offense. Each calendar day of violation shall be determined to be a separate offense.

(2) Abatement. In addition to any other penalty, the violation of this ordinance shall constitute a public nuisance and the cost of abating the public nuisance shall be collected as a debt of the town. If notice to abate the nuisance has been given to the owner, such costs shall be assessed against the real estate as a special charge.

CHAPTER 29

WELLHEAD PROTECTION

29.01 TITLE

This section shall be known, cited and referred to as the “Wellhead Protection Ordinance” (hereinafter “WHP ordinance”).

29.02 PURPOSE AND AUTHORITY

A. The residents of the Town of Freedom (hereinafter “the Town”) depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the WHP ordinance codified in this chapter is to protect the Town’s municipal water supply and areas from which Town wells draw water, and to promote the public health safety and general welfare of residents of the Town.

B. These regulations are established pursuant to the authority granted by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety and welfare. Areas appropriate for protection in the WHP are established in the source water protection plan (“the plan”) for the Freedom Sanitary District No. 1, Town of Freedom, Wisconsin, dated January 2007. The plan document is incorporated herein by this reference, and a copy is on file in the office of the Town Clerk.

29.03 APPLICABILITY

The regulations specified in the WHP ordinance codified in this chapter shall apply only to lands within those portions of the five-year time of travel zones (hereinafter sometimes “TOT”) of Well No. 1 and Well No. 2 shown on the wellhead protection map (Figure 6.0 and Figure 6.1 of WHP) (hereinafter “the map”), which areas also lie within the Town limits.

29.04 DEFINITIONS

“Aquifer” means a saturated, permeable geologic formations that contains and will yield significant quantities of water.

“Cone of depression” means the area around a well, in which the water level has been lowered at least one-tenth of a foot by pumping of the well.

“Existing facilities which may cause or threaten to cause environmental pollution” means existing facilities which may cause or threaten to cause environmental pollution within the corporate limits of the Town ’s Well No. 1 and Well No. 2 recharge area which

include but are not limited to the Wisconsin Department of Natural Resources' draft list of "Inventory of Sites or Facilities Which may Cause or Threaten to Cause Environmental Pollution" and Department of Industry, Labor and Human Relations list of "Leaking Underground Storage Tanks" (hereinafter "LUST's") and the Registry of Waste Disposal Sites in Wisconsin, all of which are incorporated herein by reference, together with future amendments thereto, as if fully set forth.

"Five Year Time of Travel (TOT)." The five year TOT is a portion of the recharge area, the outer boundary of which it is determined or estimated that groundwater and potential contaminants will take five years to reach a pumping well. The five year TOT for Freedom's municipal Well No. 1 and Well No. 2 are established based on the uniform flow equation. The TOT area is shown on the map. The TOT area shown on the map is hereinafter referred to as "the TOT".

"Groundwater divide" means ridge in the water table, or potentiometric surface, from which groundwater moves away at rights angles in both directions. Line of highest hydraulic head in the water table or potentiometric surface.

"Groundwater protection overlay district" shall be defined as that area within the TOT shown on the map attached as Exhibit A and incorporated herein by reference as if fully set forth.

"Recharge area" means area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.

"Wellhead protection area" means those portions of the TOT which lie within the Town of Freedom limits.

29.05 WELLHEAD PROTECTION AREA

A. Intent. The area to be protected is the Freedom wellhead protection area (hereinafter "WPA") (as determined by the plan) contained within the Town boundary limits. These areas are designated on the map. These lands are subject to land use and development restrictions because of their close proximity to the TOT and the corresponding high threat of contamination.

B. Permitted Uses. The following are the only permitted uses within the WPA: 1. Any existing use, even though listed on prohibited uses, below, located within such areas to the extent that use currently exists, subject to the requirements for existing prohibited uses, subsection E of this section below; 2. Those uses permitted under county zoning code consistent with the zoning map, as amended by action of the Freedom Town Board and Outagamie County and which are not prohibited under subsection C of this section below.

C. Prohibited Uses. The following uses, if created after the adoption of the WHP ordinance codified in this chapter, are prohibited uses within the wellhead protection area designated on the map. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use and handling of potential pollutants) will cause groundwater contamination. Uses not listed are not considered permitted uses.

1. Underground storage tanks of any size;
2. Septage and/or sludge spreading;
3. Animal waste land spreading;
4. Animal waste facilities;
5. Animal confinement facilities;
6. Gas stations;
7. Vehicle repair establishments, including auto body repair;
8. Printing and duplicating businesses;
9. Bus or truck terminals;
10. Repair shops;
11. Landfills or waste disposal facilities;
12. Wastewater treatment facilities;
13. Spray wastewater facilities;
14. Junk yards or auto salvage yards;
15. Bulk fertilizer and/or pesticide facilities;
16. Asphalt products manufacturing;
17. Dry-cleaning businesses;
18. Salt storage;
19. Electroplating facilities;
20. Exterminating businesses;
21. Paint and coating manufacturing;
22. Hazardous and/or toxic materials storage;
23. Hazardous and/or toxic waste facilities;
24. Radioactive waste facilities;
25. Recycling facilities;
26. Cemeteries

D. Where any of the uses listed in subsection C of this Section exist within the WPA on the effective date of the ordinance codified in this chapter, owners of these facilities will be allowed to upgrade such uses to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the Plan Commission, and the appropriate permit issued by the Town building inspector's office prior to any work being initiated. Expansion of the prohibited use may be allowed with approval of the Planning Commission.

E. Requirements for Existing Prohibited Uses, Section 5C above. 1. Such uses shall provide copies of all federal, state, and local facility operation approvals or certificates and ongoing environmental monitoring results to the Town Board. 2. Such uses shall provide additional environmental or safety structures/monitoring as deemed

necessary by the Town, which may include but are not limited to storm water runoff management and monitoring. 3. Such uses shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence. 4. Such uses shall have the responsibility of devising and filing with the Town a contingency plan satisfactory to the Town Board for the immediate notification in the vent of an emergency.

29.06 ENFORCEMENT

A. In the vent the individual and/or facility engaging in permitted use(s) under this chapter causes the release of any contaminants which endangers the WPA, the activity causing said release shall immediately cease and a cleanup satisfactory to the Town shall occur.

B. The individual/facility causing the release of contaminants shall be responsible for all costs of cleanup. The costs of cleanup shall include, but not limited to, Town consultant fees, at the invoice amount plus administrative costs for oversight, review and documentation.

1. The cost of Town employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Town representing the Town 's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits;

2. The cost of Town equipment employed;

3. The cost of mileage reimbursed to Town employees attributed to the cleanup.

C. Following any such discharge the Town may require additional test monitoring and/or bonds/sureties as it deems necessary and reasonable.

D. Penalties for noncompliance shall be provided pursuant to the Town of Freedom Schedule of Fees and Forfeitures.

29.07 SEVERABILITY

All sections and provisions of this ordinance have an independent existence, and, should any section or provision be declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of the Town Board of Supervisors that any section or provision so declared shall be severable from and shall not affect the validity of the remainder of the ordinance.

INDEX OF TRAFFIC REGULATIONS

(1) Speed Zones, Town Roads, Town of Freedom, Outagamie County:

A. Twenty-five miles per hour for all vehicles on the following specified Town roads:

1. Ade's Road
2. Appaloosa Court
3. Ash Lake Trail
4. Bell Court
5. Birch Trail
6. Blarney Court
7. Bonnie Street
8. Breese Way
9. Brookside Drive
10. Chestnut Lane
11. Clematis Way
12. Clover Court
13. Coffey Street
14. Columbia Avenue
15. Conrad Street
16. Darby Court
17. Dorothy Jane Court
18. Dublin Way
19. Duck Creek Court
20. Echo Valley Road
21. Ed's Lane
22. Elk Lane
23. Emmett Lane
24. Equestrian Park Trail
25. Equestrian Trail
26. Evergreen Lane
27. Finnigan’s Ridge Lane
28. French Road (0.5 miles South of the intersection with County E)
29. Fritsch Road
30. Garvey Avenue
31. Garvey Road East of Highway C
32. Gonnering Court
33. Highview Drive
34. Hilly Haven Drive
35. Hooyman Court
36. Huss Court
37. Industrial Drive

38. Ironwood Court
39. Joanne Street
40. Kaye Street
41. Killarney Lane
42. Kylea Court
43. Liberty Lane
44. Lochbur Lane
45. Ludwig Street
46. Maple Court
47. Mariah Drive
48. Marty’s Court
49. Mary Joan Court
50. Mathison Road
51. McHugh Road (from County S southerly 0.7 of a mile)
52. Meadowlark Lane
53. Misty Meadow Drive
54. Murphy Road
55. Oak Lane
56. O'Conner Court
57. Olde Ireland Way
58. Olive Garden Way
59. Outlook Drive
60. Panoramic Avenue
61. Park Avenue
62. Parkway Lane
63. Patrick Street
64. Peterson Road
65. Pine Lane
66. Pine Road
67. Ranch View Lane
68. Range Court
69. Raspberry Lane
70. Rock Garden Court
71. Rose Garden Way
72. Rose Petal Court
73. Scenic Lane
74. Schmidt Road
75. Serenity Ridge Court
76. Shamrock Circle
77. Sharon Rose Court
78. Sunshine Road
79. Tear Drop Lane
80. Tralee Lane
81. Twin Court

82. Uni Drive
83. Vandenberg Street
84. Van's Court
85. Washington Avenue
86. Western Drive
87. Westwind Court

B. Forty-five miles per hour for all vehicles on the following specified Town roads:

1. Weyers Road, northbound direction, located south of Echo Valley Road
2. Weyers Road, northbound direction, located south of Lau Road
3. Weyers Road, southbound direction, located south of Greiner Road
4. Weyers Road, southbound direction, located north of Lau Road

SCHEDULE A

TOWN OF FREEDOM

RECORDS RETENTION SCHEDULE

GENERAL PROVISION. Under §19.21 (4)(a), municipalities shall notify the State Historical Society of Wisconsin (SHSW) prior to destroying records.

Retention Period. Refers to the time that the identified records must be kept until destruction.

Authority. Source which specifies the period of time for retaining records.

WMRM	Wisconsin Municipal Records Manual
§	State Statutes
SCR	Supreme Court Rule
PSC	Public Service Commission
NR	Natural Resources

SHSW Notice refers to whether or not the State Historical Society of Wisconsin has waived the required statutory notification prior to destruction of records.

W	(waived) means records are not historical and the required 60 day notification is waived.
N	(nonwaived) means the records may have secondary historical value and therefore SHSW notification is required on a case-by-case basis prior to destruction.
N/A	means not applicable and refers to those circumstances where a local unit of government is retaining a record permanently.

(A) ELECTED OFFICIALS. The following public records may be destroyed after the expiration of the designated retention period.

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
All records in their possession unless delegated in writing to the Town Clerk or his/her designee	1 year following termination of term	§19.33(1)	N

(B) CLERK'S OFFICE RECORDS. The following public records may be destroyed after the expiration of the designated retention period:

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Meeting agendas	7 years	WMRM	W
Minutes books	Permanent	WMRM	N/A
Audio tapes	90 days if made solely for the purpose of drafting the minutes	WMRM and §19.21(7)	W
Ordinances	Permanent	WMRM	N/A
RECORDS	**PERIOD OF RETENTION**	**AUTHORITY**	**SHSW NOTICE**
Resolutions	Permanent	WMRM	N/A
Municipal Code	Permanent	WMRM	N/A
Affidavits of Publication	3 years	WMRM	A
Affidavits of Publication for ordinances and Resolutions for budget amendments	Permanent	WMRM	N/A
Claims	7 years		W
Lawsuits	Permanent		N/A
Insurance Policies and Certificates of Insurance	Permanent		N/A
Oaths of Office	7 years after term of oath ends	WMRM	W
Title insurance policies	Permanent	WMRM	N/A
Easements	Permanent	WMRM	N/A
Leases	7 years following termination of lease	WMRM	W
Liquor and beer applications and licenses	4 years	§125.04(3)(i)	W
Other applications and licenses/permits issued by Town Clerk	4 years	WMRM	W

Dog licenses report to County Clerk	7 years	WMRM	W
Proceedings of Board of Review on audio tapes or as stenographic notes, including transcriptions	7 years (after final action by board of review or completion of appeal)	§70.47(8)(f)	W
Notice of determinations of the Board of Review	7 years (after final action by the board of review or completion of appeal)	§70.47(8)(f)	W
Legal Opinions	Permanent	WMRM	N/A
Contracts	7 years	WMRM	W

(C). ELECTION RECORDS. All materials and supplies associated with an election may be destroyed according to the following schedule, unless there is a recount or litigation pending with respect to the election:

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Unused ballots and materials	3 business days after the canvass is completed	§7.23(a)	W
Voter serial number slips	3 business days after the canvass is completed	§7.23(a)	W
Ballots (state, county, local)	30 days after the election	§7.23(h)	W
Ballots (federal offices)****	EVT (22 months after election)	§7.23(f)	W
Application for absentee ballots	90 days after the election (22 months after the election for federal offices)	§7.23(k) §7.23(f)	W
Forms associated with election such as tally sheets, inspector's statements and nomination papers	90 days after the election (22 months after the election for federal offices)	§7.23(k) §7.23(f)	W
Official canvass statements	10 years after the election	§7.23(i)	W
Registration and poll lists - Nonpartisan primaries and election	2 years after the election for which they were created	§7.23(e)	W
Registration and poll lists - Partisan primaries and general elections	4 years after the election	§7.23(e)	W
Canceled registration cards	4 years after cancellation	§7.23(c)	W
Election notices	1 year after the election (22 months for federal election)	§7.23(j) §7.23(f)	W
Proofs of publication and correspon-dence relative to publications	1 year after the election (22 months for federal election)	§7.23(j) §7.23(f)	W
Campaign regis-tration statement	6 years after termination by the registrant	§7.23(d)	W
Campaign finance reports	6 years after date of receipt	§7.23(d)	W

**** Federal offices are President of the United States, U.S. Senator and Congress.

(D). FINANCE DEPARTMENT RECORDS: The following public records may be destroyed after the expiration of the designated retention period

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Bank statements, deposit books, slips and stubs	7 years	WMRM	W
Bonds and/or coupons	7 year after maturity	WMRM	W
Canceled checks, check stubs	7 years	WMRM	W
Payroll records and reports, and employee time cards	7 Years	WMRM	W
Employment Records	7 years following termination	WMRW	W
Applications for Employment and Resumes of persons not hired	1 year after filling of position		W
Receipt forms	7 years	WMRM	W
Special Assessment Records	7 years	WMRM	W
Tax levy certification of the school district clerk	3 years (after audited)	WMRM	W
Certificates of apportionment	3 years (after audited)	WMRM	W
State shared aid payment notices	6 years (after audited)	WMRM	W
Final worksheet for determining allowable levy	5 years (after audited)	WMRM	W
Statement of taxes	Permanently	WMRM	N/A
Statement of new special assessments	5 years (after audited)	WMRM	W
Statement of new sewer service charges	5 years (after audited)	WMRM	W
General property tax credit certification	5 years (after audited)	WMRM	W
Explanation of property tax credit certification	5 years (after audited)	WMRM	W
Real property tax roll	15 year	WMRM	N
Personal property tax roll	15 years	WMRM	N
Financial Reports (other than annual reports)	7 years	WMRM	W

(E). PUBLIC WORKS DEPARTMENT RECORDS: The following public records may be destroyed after the expiration of the designated retention period:

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Notice to contractors	7 years (after completion of project) 2 years (unsuccessful bidders)	WMRM	W
Bid bond	7 years (after completion of project) 2 years (unsuccessful bidders)	WMRM	W
Bidders proof of responsibility	7 years (after completion of project) 2 years (unsuccessful bidders)	WMRM	W
Bids	7 years (after completion of project) 2 years (unsuccessful bidders)	WMRM	W
Bid tabulations	2 years	WMRM	W
Performance bond	7 years (after completion of project)	WMRM	W
Contract	7 years (after completion of project)	WMRM	W
Street vacation and dedications	Permanent	WMRM	N/A
Benchmark Books	Permanent	WMRM	N/A
Section corner monument logs	Permanent	WMRM	N/A
Water, Storm and Sanitary Sewer Main maps	Permanent	WMRM	N/A

(F) ASSESSING DIVISION RECORDS. The following public records may be destroyed after the expiration of the designated retention period.

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Master property record folders	5 years. after life of structure	WMRM	W
Index to owners	Until superseded	WMRM	W
Wisconsin Real Estate Transfer returns	5 years. after info transferred to Master Property Record folders	WMRM	W
Tax Exemption Reports	10 years	WMRM	W
Notice of Increased Assessment	5 years unless assessment appealed, retain 7 years after final BOR action or appeal completion	WMRM	W
Assessor's Final Report Supple-ment -- Real and Personal Property	5 years	WMRM	W
Assessor's Final Report Real and Personal Property	5 years	WMRM	W
Certified Survey Maps	Permanent	WMRM	W
Final subdivision plats	Permanent	WMRM	W
Annexation plats	Permanent	WMRM	W
Assessor's plats	Permanent	WMRM	W
Conditional use grants	Permanent	WMRM	W

(G) ENGINEERING DIVISION RECORDS. The following public records may be destroyed after the expiration of the designated retention period.

RECORDS	PERIOD OF RETENTION	AUTHORITY	SHSW NOTICE
Annual reports	Permanent	WMRM	N/A
Field notes	Permanent	WMRM	N/A
Benchmark Books (Horizontal and Vertical Survey Control in SE Wis.)	Permanent	WMRM	N/A
Section corner monument logs	Permanent	WMRM	N/A
Town Official Maps	Permanent	WMRM	N/A

Water, storm, and sanitary sewer main maps	Permanent	WMRM	N/A
Profile and grade books	Permanent	WMRM	N/A
Excavation plans of private utilities	Permanent	WMRM	N/A
Index to maps	Permanent	WMRM	N/A
Applications and permits	Permanent	WMRM	N/A
Asbuilts (Sewer and Water)	Permanent	WMRM	N/A
Structure plans for municipal buildings and Bridges	Life of Structure	WMRM	W
Permits for excavation of streets including private utility companies	3 years	WMRM	W
RECORDS	**PERIOD OF RETENTION**	**AUTHORITY**	**SHSW NOTICE**
Fuel usage reports	2 years	WMRM	W
Heavy equipment and vehicle (Maintenance Records)	Life of equipment	WMRM	W
Vehicle maintenance histories	Life of vehicle	WMRM	W
Storm Sewer Maps	Until superseded by asbuilts	WMRM	W
Quarter Section Maps	Until superseded	WMRM	W

(H) BUILDING INSPECTION DEPARTMENT RECORDS. The following public records may be destroyed after the expiration of the designated retention period.

RECORDS	**PERIOD OF RETENTION**	**AUTHORITY**	**SHSW NOTICE**
Address file	Permanently	WMRM	N/A
Certificates of occupancy	Until superseded	WMRM	W
Energy calculation worksheets	3 years	WMRM	W
State approved com-mercial building plans	4 years	WMRM	W
Permit fee receipts	7 years	WMRM	W
Permit ledger	7 years	WMRM	W
Quarter section maps, copies	Until superseded	WMRM	W
Building Plans	1 Year after built	Uniform Dwelling Code	W

Applications and permits	Permanently	WMRM	N/A
Code compliance inspection reports	Permanently	WMRM	N/A
Weights and Measures Field Reports	3 years	WMRM	W

(I) PARK RECORDS. The following public records may be destroyed after the expiration of the designated retention period:

RECORDS	**PERIOD OF RETENTION**	**AUTHORITY**	**SHSW NOTICE**
Master park plan	Permanently	WMRM	N/A
Plats	Permanently	WMRM	N/A
Aerial photographs	Permanently	WMRM	N/A
Reservation requests	30 days. If payment receipts are attached 7 years	WMRM	W
Master reservation book	2 years	WMRM	W

(J) PLANNING AND DEVELOPMENT DEPARTMENT RECORDS. The following public records may be destroyed after the expiration of the designated retention period.

RECORDS	***PERIOD OF RETENTION***	**AUTHORITY**	**SHSW NOTICE**
Comprehensive Master Plan	*Permanent*	WMRM	N/A
Neighborhood Plans	*7 years*	WMRM	W
Stormwater Plans	*7 years*	WMRM	W
Design manual and guides	*7 years*	WMRM	W

(K) Public Records not identified in this Records Retention Schedule shall be retained seven (7) years in accordance with §19.21 (5)(c), Wisconsin Statutes, and Section (Insert code number here) of the New Glarus Municipal Code of the Town of New Glarus and may then be destroyed subject to SHSW authorization.