

This Code is up to date with all Ordinances passed, through June 20, 2006. Please contact Jodar.lisa@co.calumet.wi.us regarding any discrepancies that may be contained within this Code. For the most up-to-date ordinance information, please contact the appropriate department, with regard to the matter in which you seek ordinance reference.

CODE OF ORDINANCES

CALUMET COUNTY, WISCONSIN

Codified through

Ordinance No. 2004-05

Enacted June 17, 2003

TABLE OF CONTENTS

Officials of the County at the Time of this Codification

Current Officials

Preface

Adopting Ordinance

CODE OF ORDINANCES

Chapter

1. General Provisions
2. Administration
 - Art. I. In General
 - Art. II. County Board
 - Art. III. Officers and Employees
 - Art. IV. Finance
 - Art. V. Public Records
- 3--5. Reserved
6. Animals
- 7--9. Reserved
10. Buildings and Building Regulations
11. Wind Energy Facility
- 12--13. Reserved
14. Emergency Services
 - Art. I. In General
 - Art. II. E 911 System
 - Art. III. False Alarms

15--17. Reserved

18. Environment

19--25. Reserved

26. Floods

27--29. Reserved

30. Health and Sanitation

31. Reserved

32. County Trunk Highways
Art. I In General
Art. II Access to County Trunk Highways
Art. III Utility Policy
Art. IV Speed Limits
Art. V Stop Signs/Traffic Signs

33. Reserved

34. Human Services

35--37. Reserved

38. Law Enforcement

39--41. Reserved

42. Offenses and Miscellaneous Provisions

43--45. Reserved

46. Parks and Recreation

47--49. Reserved

50. Shoreland-Wetland

51. Floodplain

52--53. Reserved

54. Solid Waste

Art. I. In General

Art. II. Permits

Art. III. General Regulations Regarding Solid Waste Facilities and Hazardous Waste Facilities

55--57. Reserved

58. Streets, Sidewalks and Other Public Places

59--61. Reserved

62. Subdivisions

63--65. Reserved

66. Taxation

67--69. Reserved

70. Traffic and Vehicles

Art. I. In General

Art. II. Snowmobiles

Art. III. All-Terrain Vehicles (ATV's)

71--73. Reserved

74. Utilities

Art. I. In General (Reserved)

Art. II. Private Water Systems

Div. 1. Generally

Div. 2. County Administration

75--77. Reserved

78. Waterways

Art. I. In General

79--81. Reserved

82. Zoning

Code Comparative Table--Ordinances

State Law Reference Table

Code Index

CALUMET COUNTY CODE

Published by Order of the County Board of Supervisors

OFFICIALS
of the
COUNTY OF
CALUMET, WISCONSIN
AT THE TIME OF THIS CODIFICATION

Merlin Gentz
Chairperson

Wilma Springer
George Holzknacht, Jr.
Brian Leonhardt
David Ballering
Mark H. Gabriel
Patrick Tourville
Robert Stanke
James Lehrer
Bill Barribeau, Vice-Chair
Patrick J. Laughrin
Marilyn Schuh
Donald Sommers
William Scholz
Kurt Hofmeister
Jerry Criter
Alice Connors
Ray Mueller
Peter Dorn
James Stecker
Kenneth Draheim

County Board of Supervisors

John J. Keuler
County Administrator

Melody Buchinger
Corporation Counsel

Beth Hauser
County Clerk

**2006-2007
OFFICIALS
of the
COUNTY OF
CALUMET, WISCONSIN**

Merlin Gentz
Chairperson

Kristopher Krause
Raymond Brock
Brian Leonhardt
Kate Ballering
Duaine Stillman
Chester Dietzen
Robert Stanke
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James Stecker
Kenneth Draheim

County Board of Supervisors

William Craig
County Administrator

Pamela A. Captain
Corporation Counsel

Beth Hauser
County Clerk

PREFACE

This Code constitutes a codification of the general and permanent ordinances of the County of Calumet, Wisconsin.

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

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

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLE	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CODE INDEX	CDi:1

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

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

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of David G. Poucher, Senior Code Attorney, and Robert McNaughton, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Ms. Melody Buchinger, Corporation Counsel, for her cooperation and assistance during the progress of the work on this publication. It is hoped that her efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the county readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the county's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the County of Calumet, Wisconsin. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the County of Calumet, Wisconsin.

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CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

- Sec. 1-1. Designation and citation of Code.
- Sec. 1-2. Rules of construction and definitions.
- Sec. 1-3. Fees and charges ratified.
- Sec. 1-4. Legislation not affected by Code.
- Sec. 1-5. Code does not affect prior offenses, rights, penalties.
- Sec. 1-6. Catchlines of sections; references to Code; history notes.
- Sec. 1-7. Penalty for violation of Code.
- Sec. 1-8. County uniform citation.
- Sec. 1-9. Nonexclusivity.
- Sec. 1-10. Amendments to Code.
- Sec. 1-11. Effect of repeal of ordinance, resolution, etc.
- Sec. 1-12. Severability of parts of Code.

Sec. 1-1. Designation and Citation of Code.

The provisions embraced in the following chapters and sections shall constitute and be designated the "Calumet County Code" and may be so cited.

State Law References: Authority to codify, Wis. Stats. § 66.0103.

Sec. 1-2. Rules of Construction and Definitions.

(a) The definitions and rules of construction for this Code shall be as set forth in this section unless such definitions or rules of construction are inconsistent with the manifest intent of the county board or as required by the statutes of the State of Wisconsin.

Generally. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the county board may be fully carried out.

Code. The terms "Code" and "this Code" shall mean the Calumet County Code as designated in section 1-1.

County. The terms "the county" and "this county" shall mean the County of Calumet in the State of Wisconsin.

County board. The term "county board" shall mean the Board of Supervisors of Calumet County, Wisconsin, unless otherwise provided, the term "board" means the county board.

Gender. Pronouns of the masculine gender used in this Code shall refer to persons of either sex, firms, partnerships and corporations.

May. The term "may" shall be construed as being permissive.

Month. The term "month" shall mean a calendar month.

Must. The term "must" shall be construed as being mandatory.

Officers and employees generally. Whenever any officer or employee is referred to by title, such as "county clerk" or "sheriff," such reference shall be construed as if followed by the words "of Calumet County."

Owner. The term "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or of the whole or of a part of such building or land.

Person. The term "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property. The term "personal property" includes every species of property except real property.

Shall. The term "shall" shall be construed as being mandatory.

State. The terms "the state" and "this state" shall mean the State of Wisconsin.

Tenant, occupant. The terms "tenant" and "occupant," applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such buildings or lands, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Wis. Stats., statutes. The abbreviation "Wis. Stats." and the term "statutes" shall refer to the Wisconsin Statutes, as amended.

Year. The term "year" shall mean a calendar year.

(b) In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

State Law References: Similar rules of statutory construction, Wis. Stats. §§ 990.001, 990.01.

Sec. 1-3. Fees and Charges Ratified.

All existing fees and charges of the county are expressly ratified and confirmed.

Sec. 1-4. Legislation Not Affected by Code.

(a) Nothing in this Code or in the ordinance adopting this Code shall affect any ordinance, resolution or motion:

- (1) Providing for the width of specific highways.
- (2) Authorizing the sale or purchase of specific chattels or real property.
- (3) Authorizing the execution of any contract.
- (4) Providing for the compensation of any county officer or employee.
- (5) Endorsing, recommending or opposing any state legislation.
- (6) Fees and charges not codified.

- (7) Dealing with the annual budget.
- (8) Providing for an annual tax levy on real estate.
- (9) Providing for an appropriation or transfer of funds.
- (10) Including roads in or excluding roads from the county road system.
- (11) Appointing specific individuals to offices or positions.
- (12) Dealing with bond issues.
- (13) Granting a franchise or special permit.
- (14) That is temporary although general in effect.
- (15) Regarding personnel.
- (16) Regarding county board procedures.
- (17) Regarding expense reimbursements.
- (18) Regarding county monuments and section corners.
- (19) Adopting or amending a comprehensive land development plan.
- (20) The purpose of which has been accomplished.

(b) The provisions referred to in subsection (a) of this section are recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 1-5. Code Does Not Affect Prior Offenses, Rights, Penalties.

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

(b) The adoption of this Code shall not be interpreted as authorizing or allowing any use or the continuance of any use of a structure or premises in violation of any ordinance of the county in effect on the date of adoption of this Code.

State Law References: Similar rule of construction for state code, Wis. Stats. § 991.03.

Sec. 1-6. Catchlines of Sections; References to Code; History Notes.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be the title of such sections, nor as any part of the section; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

State Law References: Similar rule of construction for state code, Wis. Stats. § 990.001(6).

(b) References in this Code to chapters, articles, divisions or sections are to chapters, articles, divisions or sections of this Code unless stated otherwise.

(c) Editor's notes, cross references and references to the Wisconsin Statutes that appear in footnotes to this Code are for reference purposes only and are not part of this Code.

(d) History notes appearing at the end of sections of this Code are for reference purposes only and are not part of this Code.

Sec. 1-7. Penalty for Violation of Code.

In addition to other legal remedies, unless another penalty is provided in this Code, by state uniform bond/bail schedule or by statutes, any person violating any provision of this Code, or any rule or regulation adopted or issued in pursuance of this Code, or any provision of any code adopted in this Code by reference shall, upon conviction, be subject to a forfeiture of not less than \$10.00 and not more than \$1,000.00 and costs of prosecution. In default of payment of such forfeiture and costs, such person may be committed to the county jail until such forfeiture and costs are paid, except that, every commitment shall limit the duration of such imprisonment to a definite term not exceeding 90 days.

State Law References: Penalties under county and municipal ordinances, Wis. Stats. § 66.0109.

Sec. 1-8. County Uniform Citation.

(a) *Purpose and authority.* The purpose and authority of the county uniform citations are as follows:

- (1) To expedite the resolution of ordinance violations, the county elects, pursuant to the authority of Wis. Stats. §§ 66.0113 and 778.25 to use the citation method of enforcement of ordinances including those for which a statutory counterpart exists.
- (2) All of the identified ordinances and subsequent ordinances shall be enforced by the citation method. The issuance of a citation shall not preclude the county by an authorized officer from proceeding under another ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order. The county board shall, in conjunction with enacting subsequent ordinances, establish a schedule of deposits for violations and incorporate such by reference to the schedule contained in this section. The provisions of subsection (h) of this section shall apply to all new ordinances.

(b) *The citation.* The citation shall contain the following as provided in Wis. Stats. § 66.0113(1)(b):

- (1) The name and address of the alleged violator.
- (2) Factual allegations describing the alleged violation.
- (3) The time and place of the offense.
- (4) The section of the ordinance violated.
- (5) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- (6) The time at which the alleged violator may appear in court.
- (7) A statement which in essence informs the alleged violator that:
 - a. A cash deposit based on the schedule established by this section may be made, which shall be delivered or mailed to the clerk of courts prior to the time of the scheduled court appearance.

- b. If a deposit is made, no appearance in court is necessary unless subsequently summoned.
 - c. In the alternative, the citation may indicate that appearance in court is mandatory.
- (8) A citation issued under this section shall be signed by an officer or county employee who has authority to either make arrests or issue ordinance violations under the Code.
 - (9) If the alleged violator makes a cash deposit and does not appear in court, he either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty, and all assessments imposed by state law, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - (10) If the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under Wis. Stats. § 66.0113(3)(d).
 - (11) If the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment, or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stats. § 800.093.
 - (12) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required under subsection (b)(7) of this section, and shall send the signed statement with the cash deposit.
 - (13) Such other information as may be deemed necessary.
- (c) *Effects of citation.* The citation shall have the legal effect specified in Wis. Stats. §§ 66.0113 and 778.25, and a duly issued citation shall confer subject matter jurisdiction upon the county circuit court.
- (d) *Persons authorized to issue citations.*
- (1) Any law enforcement officer employed by the county may issue citations with respect to those which are directly related to their official responsibilities.
 - (2) Personnel of the planning department charged with the responsibility of code administration.
 - (3) Park superintendent or designee.
 - (4) Others as provided by subsequent ordinance.
- (e) *Schedule of Deposits.* The schedule of cash deposits required for the various ordinance violations is established for the use with citations issued under this section. These deposits shall be made to the clerk of courts at the County Courthouse, 206 Court St., Chilton, WI 53014. The clerk shall provide a receipt for each cash deposit received. Cash deposits may be mailed to the clerk of courts. Each day that the violation continues shall be considered a new offense.

(1) *Zoning Schedule.*

- a. Private Sewage System Ordinance and Sanitary Code: FINE
 - 1. Failure to obtain a permit up to \$200.00
 - 2. Discharge sewage to ground surface, to water of the state or, into zones of seasonal saturation up to \$200.00
 - 3. Illegal pumping of sewage from septic tank, soil absorption field or seepage pit, holding tank, grease trap or privy up to \$200.00
 - 4. Illegal installation of a Private Sewage System up to \$200.00
 - 5. Failure to correct a violation up to \$200.00
 - 6. Failure to report holding tank pumping or septic system maintenance reports up to \$200.00
 - 7. All other violations up to \$200.00

- b. Comprehensive Zoning Ordinance:
 - 1. Failure to obtain a land use or conditional use permit up to \$200.00
 - 2. Failure to obtain a sign permit up to \$200.00
 - 3. All other violations up to \$200.00

- c. Shoreland Zoning Ordinance:
 - 1. Failure to obtain a land use, conditional use, or special exception permit up to \$200.00
 - 2. All other violations up to \$200.00

- d. Floodplain Zoning Ordinance:
 - 1. Failure to obtain a land use, conditional use, or special exception permit up to \$200.00
 - 2. All other violations up to \$200.00

- e. Land Subdivision Ordinance:
 - 1. Failure to obtain approval prior to lot creation up to \$200.00
 - 2. All other violations up to \$200.00

- f. Wind Energy Facilities Ordinance:
 - 1. All violations up to \$500.00

(Ord. No. 2003-20, 12-16-03; Ord. No. 2005-18, 12-20-05.)

(2) *Law Enforcement Schedule.* In addition to the specified, penalties include, where applicable, all court ordered assessments under statutes. The bond amount for those violations of county ordinances, which are referenced in the state uniform bail/bond schedule (UB/BS), shall be set consistent with the amounts as determined by Wisconsin Judiciary Conference, as amended from time to time.

a. Bond Schedule: Bodily Security.

Wis. Stats. §	Violation	Fine
940.19	Battery	UB/BS

b. Bond Schedule: Public Health and Safety.

<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
254.76	Careless smoking	UB/BS
941.10	Negligent handling of burning materials	UB/BS
941.13	False fire alarms	UB/BS
941.20	Shooting within 100 yards of dwelling	UB/BS
941.23	Carrying concealed weapons	UB/BS
941.237	Carrying handgun where alcohol is sold	UB/BS
941.24	Possession of switchblade	UB/BS
941.295	Possession of Electric Weapon	Up to \$500
941.299	Use laser pointer at law enforcement officer	Up to \$500
941.2965	Restrictions on use of facsimile firearms	UB/BS

c. Bond Schedule: Crimes Against Property.

<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
943.01	Damage to property (vandalism)	UB/BS
943.017	Graffiti	UB/BS
943.11	Entry into Locked Vehicle	UB/BS
943.215	Absconding without Paying Rent	UB/BS
943.75	Unauthorized Release of Animals	UB/BS
943.13	Criminal trespass to land	UB/BS
<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
943.14	Criminal trespass to dwelling	UB/BS
943.15	Entry onto construction site	UB/BS
943.20	Petty theft	UB/BS
943.21	Fraud on a hotel or restaurant keeper	UB/BS
943.24	Issuing worthless checks	UB/BS
943.34	Receiving stolen property	UB/BS
<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
943.37	Alteration of property identification marks	UB/BS
943.46	Theft of cable services	UB/BS
943.47	Theft of satellite programming	UB/BS
943.50	Retail theft -- shoplifting	UB/BS
943.55	Theft of shopping cart	UB/BS
943.61	Theft of library materials	UB/BS
943.70	Computer crimes	UB/BS

d. Bond Schedule: Sex Crimes.

<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
944.15	Public Fornication	UB/BS
944.17	Sexual gratification	UB/BS
944.20	Lewd and lascivious behavior	UB/BS

e. Bond Schedule: Interference with Law Enforcement.

<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
941.37	Obstruct rescue or emergency personnel	UB/BS
946.41	Obstructing officers	UB/BS
946.70	Impersonating police officer	UB/BS

<i>County Ord. §</i>	<i>Violation</i>	<i>Fine</i>
14-45	Interference with E911	Up to \$500
14-84	Fourth false alarm in a calendar year	\$50.00
14-84	Fifth or subsequent false alarm in a calendar year	\$100.00
14-85	Cooperation of alarm owner	\$75.00/2nd trip
42-3	Interference with fire alarm systems/fire hydrants	up to \$500.00

f. Bond Schedule: Public Peace.

<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
167.10(2)	Sale of fireworks	UB/BS
167.10(3)	Possession or discharge of fireworks	UB/BS
945.02	Gambling	UB/BS
945.03	Commercial Gambling	UB/BS
947.01	Disorderly conduct	UB/BS
947.012	Unlawful use of telephone	UB/BS
947.0125	Unlawful use of computerized comm. system	UB/BS
947.04	Drinking in common carriers,	UB/BS
947.06	Unlawful assemblies and their suppression	UB/BS
948.51	Hazing	UB/BS

<i>County Ord. §</i>	<i>Violation</i>	<i>Fine</i>
42-3	Disorderly conduct: squealing tires or horn blowing	\$50.00
	Throwing or shooting stones or other missiles	\$25.00

g. Bond Schedule: Alcohol.

<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
125.07(1)	Furnish alcohol to underage persons:	
	First offense	UB/BS
	Second offense	UB/BS
	Third offense	UB/BS
	Fourth offense	UB/BS
125.07(2)	Sale to intoxicated person	UB/BS
125.07(3)(b)	Permit underage person to enter/loiter on premises	UB/BS
125.07(4)(a)	Procures or attempts to procure alcohol, enters, knowingly attempts to enter, or is on licensed premises; false representation of age (underage person):	
	First offense	UB/BS
	Second offense	UB/BS
	Third offense	UB/BS
125.07(4)(b)	Possess/consume alcohol:	
	Under 17 years of age:	
	First offense	UB/BS
	Second offense	UB/BS
	Third offense	UB/BS
	17 years of age--20 years of age:	
	First offense	UB/BS
	Second offense	UB/BS
	Third offense	UB/BS
	Fourth offense	UB/BS
<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
125.085(3)(b)	Intentionally carries false ID (official state ID only); makes, alters, or duplicates ID; false information on application for ID (underage person):	
	Under 17 years of age:	
	First offense	UB/BS
	Second offense	UB/BS
	Third offense	UB/BS
	17 years of age--20 years of age:	
	First offense	UB/BS
	Second offense	UB/BS
	Third offense	UB/BS
	Fourth offense	UB/BS
125.085(3)(a)	Makes, provides, alters, duplicates ID card or other documents (21 years of age or older)	UB/BS

125.085(3)(a) (2)	Fraudulent application for ID card (21 years plus)	UB/BS
125.09(2)	Possess/consume alcohol on school premises and functions (21 years of age or older)	UB/BS
125.09(2)	Possess/consume alcohol on school premises or function (underage person)	UB/BS
125.66(1)	Sale without license	UB/BS
125.68(2)	Permit unlicensed operation on premises without licensed supervision	UB/BS
125.68(4)	Open after hours	UB/BS
	All other chapter 125 violations	UB/BS

h. Bond Schedule: Controlled Substances.

<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
941.315	Possession with intent to inhale/nitrous oxide	UB/BS
961.41	Possession of marijuana (25 gms or less, first violation)	UB/BS
961.573	Possession of drug paraphernalia	UB/BS
961.574	Manufacture or delivery of drug paraphernalia	UB/BS
961.575	Delivery of drug paraphernalia	UB/BS

i. Bond Schedule: Animals.

<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
29.314(4)	Shine wild animals while possessing weapon	UB/BS
29.314(5)	Shine wild animals after 10:00 p.m.	UB/BS
Chapter 951	Crimes against animals	UB/BS

<i>County Ord. §</i>	<i>Violation</i>	<i>Fine</i>
6-2	Rabies vaccinations requirements	up to \$500.00
6-4	Disposal of carcasses	up to \$500.00
6-5	Livestock on highways	up to \$200.00
6-6	Harboring or keeping a barking dog	up to \$200.00
6-7	Dogs running at large or unlicensed	up to \$100.00

j. Bond Schedules: Traffic.

<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
Chapters 340—348	Traffic	UB/BS

<i>County Ord. §</i>	<i>Violation</i>	<i>Fine</i>
70-5	Overweight/oversized vehicles trip permit	\$40.00/hr
70-6	Abandoned vehicles	up to \$500.00
70-7	Inline skates on county highways	
	First offense	\$10.00
	Second offense	\$25.00
70-8	Motor vehicles on icebound lakes	up to \$500.00

k. Bond Schedule: Boating.

<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
30.50--30.80	Boating violations	B/BS

<i>County Ord. §</i>	<i>Violation</i>	<i>Fine</i>
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l. Bond Schedule: ATV.

<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
23.33	ATV	UB/BS

m. Bond Schedule: Snowmobiles.

<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
Chapter 350	Snowmobile	UB/BS

n. Bond Schedule: Relating to Children.

<i>Wis. Stats. §</i>	<i>Violation</i>	<i>Fine</i>
938.983	Possession, purchase of tobacco by child	UB/BS

<i>County Ord. §</i>	<i>Violation</i>	<i>Fine</i>
42-4	Truancy:	
	First offense	\$50.00
	Second offense	\$100.00
42-5	Curfew violations:	
	First offense	up to \$100.00

Second offense

up to \$200.00

(3) *Parks.* Bond Schedule for Violations of Ordinance No. 1987-06, 1990-8, 1994-2 (County Parks).

<i>County Ord. §</i>	<i>Violation</i>	<i>Fine</i>
46-2 et seq.	Nonregistered person in park study area after closing	\$100.00
42-2	Bands or DJs	\$300.00
46-2	Mountain bike trail violations	\$50.00
46-2	Destroying trees and shrubs	\$300.00
46-2	Pick nuts	\$100.00
46-2	Littering	\$50.00
46-2	Improper sewage disposal	\$50.00
46-2	Unauthorized use of dumpsters	\$50.00
46-2	Cave vandalism	\$300.00
46-2	Persons in cave after closing	\$50.00
46-2	Firearms/weapons	\$300.00
46-2	Hunting prohibited	\$300.00
46-2	Pet control	\$30.00
46-2	Horses off path	\$100.00
46-2	Sled and tube hill violations	\$30.00
<i>County Ord. §</i>	<i>Violation</i>	<i>Fine</i>
46-2	Cross county trail violations	\$25.00
46-2	Bicycles on trails at Ledgeview	\$100.00
46-2	Off trails at Ledgeview	\$100.00
46-3	Vehicles off roads	\$100.00
46-3	ATVs prohibited	\$100.00
46-3	Snowmobiles prohibited	\$100.00
46-4	Parking violations	\$5.00
46-4	Boat launch parking violations	\$60.00
46-4	Trailer parking in harbor violations	\$30.00
46-4	Parking RV off pads	\$100.00
46-4	Unauthorized overnight parking	\$50.00
46-5	Camping violations	\$60.00
46-5	Failure to pay for dump station fees	\$25.00
46-6	Harbor violations	\$60.00

(f) *Procedure.* The provisions of Wis. Stats. § 66.0113(3) on the violator's options and the procedures on any default is adopted and incorporated in this subsection by reference.

(g) *Outstanding unpaid forfeitures.* The provisions of Wis. Stats. § 66.0115 on outstanding unpaid forfeitures is adopted.

(Ord. No. 76, 12-20-1977; Ord. No. 1979-5, 2-18-1979; Ord. No. 1979-4, 8-21-1979; Ord. No. 1983-1, 4-19-1983; Ord. No. 1987-15, §§ 1.0--8.0, 2-16-1988; Ord. No. 1987-13, 12-15-1987; Ord. No. 1990-15, 3-18-1991; Ord. No. 1990-5, 7-17-1990; Ord. No. 1994-19, 12-20-1994; Ord. No. 2002-8, 10-17-2002)

Sec. 1-9. Nonexclusivity.

(a) *Other ordinances.* Adoption of this section does not preclude the county board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(b) *Other remedies.* The issuance of a citation shall not preclude the county or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order relating to the same or any other matter. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.

Sec. 1-10. Amendments to Code.

(a) All ordinances, resolutions or motions passed subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code; or in the case of repealed chapters, sections and subsections or any part of a chapter, section or subsection, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from affected reprinted pages; and such subsequent provisions as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of them until such time as this Code and subsequent provisions numbered or omitted are readopted as a new code by the board.

(b) Amendments to this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "Section _____ of the Calumet County Code is hereby amended to read as follows:" The new provisions shall then be set out in full as desired.

(c) If a new section not heretofore existing in this Code is to be added, the following language may be used: "The Calumet County Code is hereby amended by adding a new section _____, that reads as follows:" The new section shall then be set out in full as desired.

Sec. 1-11. Effect of Repeal of Ordinance, Resolution, etc.

(a) When any ordinance, resolution or motion repealing a former ordinance, resolution, motion, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, resolution, motion, clause or provision unless it shall be so expressly provided.

(b) The repeal of an ordinance, resolution or motion shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance, resolution or motion repealed.

State Law References: Similar rule of statutory construction, Wis. Stats. §§ 990.03, 991.03.

Sec. 1-12. Severability of Parts of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable; and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

State Law References: Similar rule of statutory construction, Wis. Stats. § 990.001(11).

Chapter 2

ADMINISTRATION*

* **Editors Note:** The county records retention policy as updated from time to time is on file in the clerk's office.

Cross References: Any ordinance authorizing the execution of any contract saved from repeal, § 1-4(a)(3); any ordinance for fees and charges not codified saved from repeal, § 1-4(a)(6); any ordinance dealing with the annual budget saved from repeal, § 1-4(a)(7); any ordinance regarding county board procedures saved from repeal, § 1-4(a)(16); local emergency planning committee (LEPC), § 14-3; administration to E 911 system, § 14-43; human services, ch. 34; senior resource center and committee, § 34-4; law enforcement, ch. 38; taxation, ch. 66; utilities, ch. 74; county administration, § 74-61 et seq.

Article I. In General

Sec. 2-1. Adoption of state law provisions.

Sec. 2-2. Appointments and terminations of county department heads; authority.

Sec. 2-3. Use of county-owned property for private functions and events.

Secs. 2-4--2-30. Reserved.

Article II. County Board

Sec. 2-31. Rules and procedures.

Sec. 2-32. Personnel and general administrative policies.

Secs. 2-33--2-60. Reserved.

Article III. Officers and Employees

Sec. 2-61. County administrator.

Sec. 2-62. Corporation counsel.

Sec. 2-63. Department of human services director.

Sec. 2-64. County surveyor.

Sec. 2-65. Finance director; position; duties.

Secs. 2-66--2-100. Reserved.

Article IV. Finance

Sec. 2-101. Ratified.

Sec. 2-102. Assessing service fee on worthless checks.

Secs. 2-103--2-130. Reserved.

Article V. Public Records

Sec. 2-131. Legal Custodians for Public Record; Fees Authorized.

Sec. 2-132. Marriage license provisions.

ARTICLE I.

IN GENERAL

Sec. 2-1. Adoption of State Law Provisions.

The board of supervisors will self-organize under Wis. Stats. § 59.03(1).
(Ord. No. 1990-7, § 1, 8-21-1990)

Sec. 2-2. Appointments and Terminations of County Department Heads; Authority.

The authority to appoint and terminate department heads is established by state statutes as follows:

Position	Appointment	Termination
Clerk of Court	Elected	Circuit Court Judge for cause Wis. Stats. § 17.09(2)
Corporation Counsel	Wis. Stats. § 59.42(1)(b) County Administrator	Wis. Stats. § 59.42(1)(b) County Administrator with Concurrence of County Board

County Clerk	Elected	County Board for cause Wis. Stats. § 17.09(1)
County Conservationist	Wis. Stats. § 59.18(2)(b); Wis. Stats. § 92.09; County Administrator	Wis. Stats. § 17.10(6) County Administrator
County sheriff	Elected	Governor for cause Wis. Stats. § 17.09(1)
County Treasurer	Elected	County Board, for cause, two-thirds County Board Wis. Stats. § 17.09
Director of Planning and Zoning and Sanitation	Wis. Stats. § 59.18(2)(b); County Administrator	Wis. Stats. § 17.10(6) County Administrator
District attorney	Elected	Governor for cause Wis. Stats. § 17.06(3)
Emergency management director	Wis. Stats. § 59.18(2)(b); Wis. Stats. § 166.03(4); county administrator	Wis. Stats. § 17.10(6) county administrator
Family court commissioner	Wis. Stats. § 757.68(1); circuit court judge	Wis. Stats. § 17.10(4) circuit court judge (at pleasure)
Finance director	Wis. Stats. § 59.18(2)(b); Wis. Stats. § 59.47; county administrator	Wis. Stats. § 17.10(6) county administrator
Health department director	Wis. Stats. § 59.18(2)(b); Wis. Stats. § 251.06(4)(a); county administrator	17.10(6) county administrator
Highway commissioner	Wis. Stats. § 59.18(2)(b); Wis. Stats. § 83.01(c); county administrator	Wis. Stats. § 17.10(6) county administrator
Human resource director	Wis. Stats. § 59.18(2)(b); county administrator.	Wis. Stats. § 17.10(6) county administrator
Position	Appointment	Termination
Human services director	Wis. Stats. § 59.18(2)(b); Wis. Stats. § 46.23; county administrator.	Wis. Stats. § 17.10(6); Wis. Stats. § 17.16 for cause; county administrator Wis. Stats. § 46.23(6m)
Information services director	Wis. Stats. § 59.18(2)(b); county administrator	Wis. Stats. § 17.10(6) county administrator
Maintenance coordinator	Wis. Stats. § 59.18(2)(b); county administrator	Wis. Stats. § 17.10(6) county administrator
Medical examiner	Wis. Stats. § 59.18(2)(b); Wis. Stats. § 59.34(1); county administrator	Wis. Stats. § 17.10(6) county administrator
Nursing home administrator	Wis. Stats. § 59.18(2)(b); Wis. Stats. § 46.19 county administrator	Wis. Stats. § 17.10(6) county administrator
Park superintendent	Wis. Stats. § 59.18(2)(b); county administrator	Wis. Stats. § 17.10(6) county administrator
Register of deeds	Elected	Governor for cause Wis. Stats. § 17.09(5)

Register in probate	Wis. Stats. § 851.71;	Circuit court judge (at pleasure)
UW-extension office chair	Wis. Stats. § 59.18(2)(b); county administrator	Wis. Stats. § 17.10(6) county administrator
Veterans service officer	Wis. Stats. § 59.18(2)(b); Wis. Stats. § 45.43(1)(b); county administrator.	Wis. Stats. § 17.10(6) county administrator
The authority to appoint and terminate the county administrator is provided by state statutes as follows:		
County administrator	Wis. Stats. § 59.18(1) majority of county board	County board if county administrator's conduct becomes unsatisfactory Wis. Stats. § 59.18(7)

Sec. 2-3. Use of county-owned property for private functions and events.

(a) *Applicability.* For purposes of this section, the term "county-owned property" shall include all land and buildings owned by the county, and property leased by the county to any individual or organization, the use of which property shall be governed by the applicable lease agreement, excepting the Parks.

(b) *Use of county-owned property.* Any person, organization or group may use county-owned property for the purpose of governmental business, public meetings for the free discussion of public questions, civic activities or for activities of broad public purpose subject to the procedures set forth in this section, and provided further that such use:

- (1) Does not interfere with the prime function of the facility;
- (2) Does not unduly burden the county;
- (3) Is not a hazard to the safety of the public nor detrimental to the facility;
- (4) Does not expose the county to the likelihood of expenses and/or damages which cannot be recovered; and
- (5) Is appropriate to the physical context of the facility.

(c) *Consent required.* The person, organization or group requesting use of county-owned property shall obtain permission from the county administrator.

(d) *Alcohol.* The sale, possession or consumption of alcohol beverages on county-owned property is prohibited. However, the County Board may, upon a majority vote, grant an exception to this prohibition for special events.

(e) *Tobacco products.* Use of tobacco products is prohibited in any enclosed building as provided by Wis. Stats. § 101.123.

(f) *No endorsement implied.* Utilization of the county-owned property does not imply approval or approbation by the county of the group or activity. Likewise, the refusal by the county to permit use of the county-owned property shall not be interpreted as disapproval or censure of any organization.

(g) *County not obligated to provide support.* The granting of permission to use the county-owned property does not obligate the county to furnish any applicant with any service or utilities or render any support with personnel, equipment or supplies. The county may furnish such assistance as it, in its sole discretion, determines necessary. The county reserves the right to inspect any equipment or apparatus brought in for a public meeting, event or activity, and to limit or prohibit the use of such items which might affect the safety or normal operation of the facility.

(Ord. No. 2004-02, 4-20-04)

Secs. 2-4--2-30. Reserved.

ARTICLE II.

COUNTY BOARD

Sec. 2-31. Rules and procedures.

Every new county board shall, at the organizational meeting, promulgate and adopt board rules and procedures which shall be in effect until modified. Such rules and procedures shall address, at a minimum, structure, committee assignments, vacancies, compensation, duties and responsibilities, rules of procedure and any other matter regarding county administration.

Sec. 2-32. Personnel and general administrative policies.

(a) Annually, or as otherwise provided, the county board shall at the organizational meeting promulgate and adopt personnel and general county administrative policies and procedures which shall be in effect until modified.

(b) Every decade, or as required by Wis. Stats. §59.10, the board shall promulgate supervisory districts, presently numbering 21.

Secs. 2-33--2-60. Reserved.

ARTICLE III.

OFFICERS AND EMPLOYEES*

* **Cross References:** Any ordinance providing for the compensation of any county officer or employee saved from repeal, § 1-4(a)(4); any ordinance appointing specific individuals to offices or positions saved from repeal, § 1-4(a)(11); any ordinance regarding personnel saved from repeal, § 1-4(a)(15); administrator of private water systems, § 74-63.

Sec. 2-61. County administrator.

(a) *Office created.* The county hereby creates the position of county administrator pursuant to Wis. Stats § 59.18. The county administrator is appointed by the majority vote of the county board.

(b) *Duties.*

(1) The county administrator is the chief administrative officer of the county and is responsible to the county board. The position reports to the salary and personnel committee and is charged with providing general administrative support to the county board and departments.

(2) The county administrator shall take care that every county ordinance and state and federal

law is observed, enforced and administrated within the county.

- (3) The county administrator shall coordinate and direct all administrative and management functions of the county board, not otherwise vested by law in committees, boards, commissions or in the elected officers.
- (4) The county administrator shall hire all department heads and supervisory personnel of the county, except those elected by the people or appointed by elected officials. The county board waives its right to confirm appointments provided the county administrator has the concurrence of the chair of the home committee and the county board chair. Any department head appointed by the county administrator may be removed as set forth in section 2-2.
- (5) The County Administrator shall appoint the members of the boards and commissions, subject to the confirmation of the County Board.
- (6) The county administrator shall annually, and otherwise as necessary, communicate to the county board the condition of the county, and recommend such matters to the board for its consideration, as necessary.
- (7) The county administrator shall prepare and submit the annual budget to the board.
- (8) The county administrator shall review and sign all contracts for goods and services after review by the corporation counsel and finance director.

(Res. No. 2000-10, 5-16-2000; Ord. No. 2000-12, 9-26-2000; Ord. No. 2003-23, 3-16-04)

State Law References: Similar provisions, Wis. Stats. § 59.18.

Sec. 2-62. Corporation counsel.

- (a) *Office created.* The county hereby creates the position of corporation counsel pursuant to Wis. Stats. § 59.42.
- (b) *Duties.* The duties of the corporation counsel shall be as established by statute and as otherwise prescribed by the county board.
- (c) *Exclusions.* The corporation counsel shall not be responsible for the prosecution of juvenile actions under Wis. Stats. § 48, including children in need of protection and services, delinquencies, and termination of parental rights. Such duties shall be prosecuted by the district attorney's office.

(Res. No. 1989-46, 12-19-1989)

State Law References: Similar provisions, Wis. Stats. § 59.42.

Sec. 2-63. Department of human services director.

- (a) *Office created.* The county hereby creates the position of director of the department of human services pursuant to Wis. Stats. § 46.23(6).
- (b) *Duties.*
 - (1) The duties of the director of human services shall be as established by statute and as otherwise prescribed by the county board.
 - (2) The director of human services shall be designated the director of the senior resource

center as authorized by Wis. Stats. § 46.82(5).
(Ord. No. 1990-1, 4-17-1990; Res. No. 2002-11, 7-16-2002)

Sec. 2-64. County surveyor.

(a) *Appointment.* The county administrator shall biennially, in January, appoint a county surveyor who shall perform the duties of that office pursuant to the provisions of statute, state administrative code, and this section. The surveyor is not required to be a resident of the county. The county surveyor may, as he deems necessary, formally designate one or more deputy county surveyors to assist him as authorized within this section. Such deputy shall also be a state-registered land surveyor, and have the same qualifications to practice pursuant to this section as the county surveyor, and his designation shall be made known to the board of supervisors, by the surveyor filing a certificate thereof with the clerk.

(b) *County board committee.* The land information committee shall have jurisdiction over the activities and function of the county surveyor's office.

(Ord. No. 1995-12, §§ 1--9, 12-19-1995)

Sec. 2-65. Finance director; position; duties.

(a) The position of finance director, as created by Resolution 1989-29, dated September 21, 1989, and as allowed by the provisions of Wis. Stats. § 59.47, is reestablished and affirmed.

(b) The position shall include, as a minimum, the following duties and responsibilities, with salary and personnel to detail a job description:

- (1) Review and establish financial systems in all county departments, including specific procedures being completed by department employees, and approve all changes, modifications and enhancements to financial systems.
- (2) Approve the design, testing and implementation of any automated financial recordkeeping system being purchased or written for use in all county departments.
- (3) Monitor compliance with prescribed financial recordkeeping procedures, including timeliness of completion of procedures.
- (4) Directly supervise the preparation of all state and federal grant applications and budgets from all departments and supervise the preparation of claims for reimbursement and other required grant financial reports.
- (5) Participate in and approve the hiring of and training of employees who work with financial systems of the county.

(6) Examine and approve all claims presented for payment.

(Ord. No. 1996-6, §§ 1, 2, 7-16-1996)

Secs. 2-66--2-100. Reserved.

ARTICLE IV.

FINANCE*

* **Cross References:** Taxation, ch. 66.

Sec. 2-101. Ratified.

All funds heretofore established by the county are expressly ratified and confirmed by the board.

Sec. 2-102. Assessing service fee on worthless checks.

(a) Pursuant to Wis. Stats. § 59.51, the county imposes a fee of \$30.00 on all persons, firms, corporations or other organizations which submit worthless checks or other order for payment of money in payment of any fee, tax or other charge legally imposed by any office, official, employee or officer acting on behalf of the county. Such charge is the approximate cost of processing a worthless check by the county.

(b) The \$30.00 charge may be imposed by any office, official, employee or officer acting on behalf of the county on a person, firm, corporation or other organization who submits a check or other order for payment of money which is worthless, regardless of the intent of the person, firm, corporation or other organization that submits such worthless check or other worthless order for payment of money.

(c) The levying of such charge does not preclude the person, firm, corporation or other organization issuing the worthless check from being subject to forfeiture proceedings pursuant to the county Section 42-2(a)(3) or criminal proceedings pursuant to Wis. Stats. § 943. (Ord. No. 1991-4, §§ 1, 2, 4-16-1991; Ord. No. 2000-11, 10-30-2000; Ord. No. 2005-25, 3-21-2006.)

Secs. 2-103--2-130. Reserved.

ARTICLE V.

PUBLIC RECORDS

Sec. 2-131. Legal custodians for public record; fees authorized.

(a) *Statement of policy.* In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the public policy of this county that all citizens are entitled to the greatest possible information regarding the affairs of government, and the official acts of those officers and employees who represent them.

(b) *Designation of legal custodian; elected officials.* Each elected official is the legal custodian of his records and the records of his office. All open record requests shall be submitted to the elected official at 206 Court Street, Chilton, WI 53014. The hours of operation are Monday through Friday, 8:00 a.m. to 4:30 p.m.

(c) *Designation of legal custodian; all other offices.* Each Department Head shall be designated the legal custodian for all open records requests.

(d) *Designation of County Clerk; all offices* The County Clerk shall receive copies of all agendas, attachments and minutes from all county committee meetings, including closed session meetings.

(e) *Fees.* As provided for by law, the county establishes the following fee schedule for the reproduction of the following records:

- (1) *Child Support Agency.* The Child Support Agency shall charge \$25.00 to complete the paternity test draws for parties who are not IV-D eligible. This charge is in addition to fees charged by the paternity test lab.
- (2) *Clerk of Courts.* The Clerk of Courts shall charge all members of the public \$1.25 per page for copies of any documents filed with the court. The public defender's office \$0.25 per page, plus a \$5.00 search fee if the requestor does not have a court case number.
- (3) *Court reporter.* The court reporter shall charge for transcripts for government agencies at the rate of \$1.50 per page for the original, and \$0.50 per page for any additional copies. Transcripts for private entities shall be at the rate of \$2.25 per page and \$0.50 per page for additional copies.
- (4) *Health.* The health department shall charge \$.25 per page for all records plus an accounting fee of \$21.00 per hour to create a summary of Services rendered.
- (5) *Homestead.* The county homestead and rehabilitation center shall charge \$.25 per page for all records plus an accounting fee of \$21.00 per hour to create a summary of Services rendered.
- (6) *Human Services.* The human service department shall charge \$.25 per page for all records plus an accounting fee of \$21.00 per hour to create a summary of Services rendered.
- (7) *Register of Deeds.* For those not under contract, the register of Deeds shall charge \$2.00 for the first page of any document and \$1.00 for each page thereafter, plus \$1.00 per page for the certificate of the Register of Deeds.
 - a. For those under contract, the register of Deeds shall charge \$1.25 per page (for any document) and \$300.00 per month subscription service for current digital images. The register of Deeds may charge other fees for noncurrent digital data as authorized by the information Services and Finance and audit committees.
 - b. Vital records: birth records \$12.00 plus \$3.00 for each additional page.
 - c. Marriage/death certificates: \$7.00 plus \$3.00 for each additional copy.
 - d. Uniform Commercial Code (UCC): \$2.00 for the first page and \$1.00 for each page thereafter.
- (8) *Register of Probate.* The register of Probate shall charge \$1.00 per page for all members of the public for copies of any documents filed with the court; \$0.25 per page for the public defender and a \$4.00 search fee if the requestor does not have a court case number.
- (9) *Sheriff's department.* The Sheriff's Department shall charge \$.25 per page for document copies.

Photographs: 3.5 x 5 \$.25
 5 x 7 \$1.80

8 x 10 \$3.65

Audio Recordings: \$5.00 per recording.

- (10) *Land information data fee schedule.*
 - a. Digital ortho: 1992 black and white orthos, \$72.00 per county;
 - b. 2001 color ortho: \$45.00 per township; \$400.00 per county;
 - c. Digital attribute data: parcel attributes \$0.05 per parcel.
 - d. Hard copy maps: maps will be available at the rate of \$50.00 per hour for labor, plus \$0.50 per CD; \$2.50 per foot for bond paper; \$3.25 per foot for gloss paper; \$5.00 per foot for clear film.
- (11) *Information Services.* Alpha List, \$50.00; mailing labels, \$0.05 per label.
- (12) *All other departments.* All other departments shall charge as follows: \$0.50 per page (for 8 1/2 inches by 11 inches) and \$1.00 (for 11 inches by 17 inches) for microfilm copies and \$2.50 per microfiche.
- (13) *Photocopy fees.*
 - a. \$0.25 per page 8 1/2 inches by 11 inches.
 - b. \$0.25 per page 8 1/2 inches by 14 inches.
 - c. \$0.50 per page 11 inches by 17 inches.
 - d. \$2.00 per foot for 24-inch roll engineering copies.
 - e. \$2.50 per foot for 36-inch roll engineering copies.
 - f. \$3.00 per copy of photographs.
- (14) *Fax documents.* All departments shall charge \$1.00 per page to send faxes and \$0.25 to receive them.
- (15) *Postage costs.* All departments may charge postage expenses for the actual and direct cost of postage if the document is to be mailed to the requestor.
- (16) *Prepayment of fees.* If the cost of copies exceeds \$5.00, the county may require prepayment of the amount.
- (17) *Search fee.* In addition, except as specified by law, a department may add a search fee of the actual, necessary costs to locate the document if the cost exceeds \$50.00.
- (18) *County Clerk.* For county plat books there will be a charge of \$25.00.
- (19) *UPS surcharge fee.* The county Clerk shall charge a \$1.00 UPS surcharge fee to send materials from the courthouse by UPS.

(Ord. No. 2000-11, § 1, 10-30-2000; Ord. No. 2001-10, § 1, 10-29-2001; Ord. No. 2002-7, 9-17-2002; Ord. No. 2003-19, 12-16-03; Ord. No. 2004-05, 7-20-04, Ord. No. 2005-05, 6-21-05; Ord. No. 2005-25, 3-21-2006.)

Sec. 2-132. Marriage License Provisions.

- (a) *Marriage License Fee.* The County Clerk, pursuant to Wis. Stats. §765.15, shall charge \$75.00 for a marriage license.
- (b) *Certified Birth Certificate.* Each applicant must produce a certified copy of their birth certificate, regardless of age. If a certified birth certificate is unattainable, other satisfactory documentary proof of the requisite facts may be presented in lieu of the birth certificate, pursuant to Wis. Stats. 765.09(3)(b).

(Ord. No. 2001-11, § 1, 10-29-2001, Ord. No. 2004-04, 7-20-04)

Chapters 3--5

RESERVED

Chapter 6

ANIMALS*

* **Cross References:** Environment, ch. 18; standards for animal waste storage, § 18-1; health and sanitation, ch. 30.

Sec. 6-1. Dog licensing.

Sec. 6-2. Rabies control.

Sec. 6-3. Maximum amount allowed for claims for damages by dogs to certain domestic animals.

Sec. 6-4. Disposal of carcasses.

Sec. 6-5. Livestock on highways.

Sec. 6-6. Harboring or keeping barking dogs.

Sec. 6-7. Unlicensed dogs and dogs running at large.

Sec. 6-8. Penalties.

Sec. 6-9. Shining wild animals.

Sec. 6-10. Crimes against animals.

Sec. 6-1. Dog licensing.

- (a) The county adopts Wis. Stats. § 174, dogs, and all acts amendatory thereto. Any amendments which are from time to time made in the statute shall automatically be made in this section.
- (b) Pursuant to Wis. Stats. § 174.07(3)(c), the collecting official may retain \$0.50 for each license issued as compensation for the service, if not a full-time municipal employee. If the collecting official is a full-time, salaried municipal employee, this compensation shall be paid into the treasury of the town, village or county.
(Ord. No. 1993-5, §§ 1--3, 7-27-1993; Ord. No. 1999-15, § 1, 12-21-1999)

Sec. 6-2. Rabies control.

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

Humane officer means an officer appointed under Wis. Stats. § 173.03.

Isolation facility means a humane society shelter, veterinary hospital, municipal pound or other place specified by an officer which is equipped with a pen or cage which isolates the animal from contact with other animals.

Officer means a peace officer, local health officer, as defined in Wis. Stats. § 250.01(5), humane officer, warden, an employee designated by the department or other person designated by the county.

Owner means a person who owns, harbors, keeps or controls an animal.

Peace officer means as designated under Wis. Stats. § 939.22 (22).

Veterinarian means as designated under Wis. Stats. § 453.02 (7).

Warden means as designated under Wis. Stats. § 24.01(11).

- (b) *Rabies vaccination required for dogs.*
- (1) *Requirement for vaccination.* Except as provided in Wis. Stats. § 174.054, the owner of a dog shall have the dog vaccinated against rabies by a veterinarian at no later than five

months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the county after the dog has reached five months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the county, unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination.

- (2) *Issuance of certificate of rabies vaccination.* A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the department stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the center for disease control of the U.S. department of health and human services.
 - (3) *Copies of certificate.* The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.
 - (4) *Rabies vaccination tag.* After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
 - (5) *Tag to be attached.* The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors, to a dog securely confined in a fenced area or to a dog while actively involved in herding or controlling livestock if the dog is under the control of its owner. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this subsection do not apply to a dog which is not required to be vaccinated under subsection (b)(1) of this section.
 - (6) *Duplicate tag.* The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
 - (7) *Cost.* The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.
- (c) *District quarantine.*
- (1) *Dogs confined.* If a district is quarantined for rabies, all dogs within the district shall be kept securely confined, tied, leashed or muzzled. Any dog not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall

cooperate in the enforcement of the quarantine. The county clerk wholly or partly within the quarantine district shall promptly post in at least three public places in the county notices of quarantine furnished by the department for posting.

- (2) *Exemption of vaccinated dog from district quarantine.* A dog which is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence is exempt from the district quarantine provisions of subsection (c)(1) of this section if a rabies vaccination tag or substitute tag is attached to the dog's collar.
- (d) *Quarantine or sacrifice of an animal suspected of biting a person or being infected or exposed to rabies.*
- (1) *Quarantine or sacrifice of dog or cat.* An officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
 - (2) *Sacrifice of other animals.* An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies. Except as provided in Wis. Stats. § 95.36, if an animal of a species raised primarily to produce food for human consumption is killed under this subsection, the owner is eligible for an indemnity payment in an amount equal to the indemnity provided under Wis. Stats. § 95.31(3). If the decision is made by another officer, the indemnity shall be paid from the dog license fund.
 - (3) *Sacrifice of a dog or cat.* An officer may order killed or may kill a dog or cat if the owner of the dog or cat violates subsection (e)(1), (e)(2) or (e)(3) of this section.
- (e) *Quarantine of dog or cat.*
- (1) *Delivery to isolation facility or quarantine on premises of owner.* An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible, but no later than 24 hours after the original order is issued, or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
 - (2) *Health risk to humans.* If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten days after the incident occurred. In this subsection, the term "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
 - (3) *Risk to animal health.*
 - a. If a dog or cat is ordered to be quarantined because there is reason to believe that

the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.

- b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.

Sec. 6-3. Maximum amount allowed for claims for damages by dogs to certain domestic animals.

(a) The maximum amount that may be allowed for a claim for damages by dogs to domestic animals, including loss of fair market value, injury or death, shall be limited to \$1,000.00 per domestic animal, as defined in Wis. Stats. § 174.001, and any amendments thereto.

(b) All owners of animals that are injured and/or killed by a dog shall apply for compensation for claims for damages, pursuant to Wis. Stats. § 174.11, and the procedure for application. (Ord. No. 1997-4, §§ 1, 2, 11-3-1997)

Sec. 6-4. Disposal of carcasses.

(a) No person shall deposit or throw into or onto any stream, lake, swale or public highway any animal carcass.

(b) No person shall deposit, leave or permit to be deposited or left, any dead animal which is exposed in such a manner as to be reached by dogs or wild animals for a longer period than 24 hours during the months of April to November, or 48 hours during the months of December to March.

Sec. 6-5. Livestock on highways.

No owner or keeper of livestock shall allow livestock to run at large on a highway at any time, except to go from one farm parcel to another.

Sec. 6-6. Harboring or keeping barking dogs.

No person shall keep or harbor any dog which habitually barks, howls or yelps to the great discomfort of the peace and quiet. Such dogs are hereby declared to be a public nuisance.

Sec. 6-7. Unlicensed dogs and dogs running at large.

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

(b) A dog is considered to be untagged if a valid license tag is not attached to the collar which is kept on the dog whenever the dog is outdoors, unless the dog is securely confined in a fenced area.

(c) No person shall allow his dog to run at large or be untagged.

Sec. 6-8. Penalties.

Any person who violates any provision of this chapter may be cited as set forth in section 1-8 of this Code.

Sec. 6-9. Shining wild animals.

(a) Except as otherwise specifically provided in this chapter, all provisions of Wis. Stats. § 29.314, as amended from time to time, are hereby adopted by reference.

(b) Pursuant to Wis. Stats. § 29.314(6), no person may use or possess with intent to use a light for shining wild animals from 10:00 p.m. to 7:00 a.m., 365 days per year. This section does not apply to the shining of raccoons or foxes as expressly permitted by Wis. Stats. § 29.314.
(Ord. No. 2002-8, 10-17-2002)

Sec. 6-10. Crimes against animals.

Except as otherwise specifically provided in this chapter, all provisions of Wis. Stats. Chapter 951 are hereby adopted by reference.
(Ord. No. 1979-4, 8-21-1979)

Chapters 7--9

RESERVED

Chapter 10

BUILDINGS AND BUILDING REGULATIONS*

* **Cross References:** Environment, ch. 18; floods, ch. 26; health and sanitation, ch. 30; solid waste, ch. 54; streets, sidewalks and other public places, ch. 58; subdivisions, ch. 62; utilities, ch. 74; waterways, ch. 78; zoning, ch. 82.

Sec. 10-1. Uniform Dwelling Code.

Sec. 10-1. Uniform Dwelling Code.

Pursuant to Wis. Stats. §§ 101.65 and 101.651:

- (1) Any township with a population of 2,500 or less within the county that has not adopted an ordinance for enforcement of the Uniform Dwelling Code, and has requested county issuance of the administrative building permit application, is under the jurisdiction of this section.
- (2) No person shall build or cause to be built any one-family or two-family dwelling without first submitting an administrative building permit to the county planning department.
- (3) All such applications shall be accompanied by a fee of \$10.00.
- (4) Any person violating this section shall be subject to a penalty of \$200.00.
(Ord. No. 1997-19, §§ 1.1--1.4, 3-16-1998)

Chapter 11

WIND ENERGY FACILITY

Article I. Authorization, Purpose and Definitions

- Sec. 11-1. Statutory Authorization.
- Sec. 11-2. Purpose.
- Sec. 11-3. Rules of Construction and Definitions.
- Sec. 11-4. Specific Words and Phrases.
- Sec. 11-5. Non-Conforming Legal Structures.
- Sec. 11-6--11-14. Reserved.

Article II. Provisions Applicable to Both Small and Large Wind Energy Systems

- Sec. 11-15. Application Required.
- Sec. 11-16. Information Required on Application.
- Sec. 11-17. Site Plan.
- Sec. 11-18. Visual Appearance.
- Sec. 11-19. Noise.
- Sec. 11-20. Signal Interference.
- Sec. 11-21. Safety.
- Sec. 11-22 -- 11-39. Reserved.

Article III. Wind Energy Systems - Small

- Sec. 11-40. Setbacks.
- Sec. 11-41. Minimum Ground Clearance.
- Sec. 11-42 -- 59. Reserved.

Article IV. Wind Energy Systems - Large

- Sec. 11-60. Setbacks.
- Sec. 11-61. Minimum Ground Clearance.
- Sec. 11-62. Road Repair.
- Sec. 11-63. Neighborhood Review.
- Sec. 11-64. Neighborhood Review Meeting.
- Sec. 11-65 -- 11-79. Reserved.

Article V. Revocation, Appeal, Notice of Construction, Modification, Fees and Abandonment

- Sec. 11-80. Revocation of Permit.
- Sec. 11-81. Appeal of the Determinations of the Code Administrator/Committee.
- Sec. 11-82. Notice of Construction.
- Sec. 11-83. Modification of Approved Site Plan.
- Sec. 11-84. Fees.
- Sec. 11-85. Abandonment.
- Sec. 11-86. Severability.

ARTICLE I.

AUTHORIZATION, PURPOSE AND DEFINITIONS

Sec. 11-1. Statutory Authorization.

This Chapter is enacted pursuant to Wis. Stats. §66.0401.

Sec. 11-2. Purpose.

The purpose of this Chapter is to provide a regulatory scheme for the construction and operation of Wind Energy Facilities in Calumet County, whose primary purpose is to supply electricity to off-site customer(s), subject to reasonable restrictions that will preserve the public health and safety or that do not significantly increase the cost of the system or significantly decrease its efficiency, while allowing for renewable energy sources to be present within Calumet County.

Sec. 11-3. Rules of Construction and Definitions.

(a) The definitions and rules of construction of this Chapter shall be as set forth in Sec. 1-2, of the Calumet County Code and as set forth in this Chapter unless such definitions or rules of construction are inconsistent with the manifest intent of the County Board or as required by the statutes of the State of Wisconsin.

(b) Words used in the present tense include the future, the singular number includes the plural number and the plural number includes the singular number, the word "building" includes the word "structure", and any words not herein defined shall be presumed to be interpreted by their customary dictionary definitions.

Sec. 11-4. Specific Words and Phrases.

Benchmark. A point of reference for a measurement.

Calumet County Board of Adjustments. A five member Board, appointed by the County Board, to review the decisions of the Code Administrator and Calumet County Planning and Zoning Committee as set forth in Chapter 48, Calumet County Code of Ordinances.

Code Administrator. A member of the Calumet County Planning and Zoning Department staff authorized by the County Board by enactment of this Chapter to issue permits for Wind Energy Systems, monitor compliance, and enforce the provisions of this Chapter.

Committee. Shall mean the Calumet County Planning and Zoning Committee.

County. Shall mean Calumet County.

FAA. The Federal Aviation Administration.

Hub Height. When referring to a Wind Energy System, the distance measured from ground level to the center of the Tower hub.

Karst Feature. An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include areas with soils less than 60 inches thick over

bedrock, caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, swallets, and depressional areas with no surface drainage.

MET Tower. A meteorological tower, including the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Non-conforming Legal Structure. A Wind Energy System that was erected prior to the enactment of this Chapter, that is not in compliance with the provisions of this Chapter and that has not ceased the production of energy for a period of twelve (12) consecutive months or longer.

Person. An individual, corporation, limited liability company, partnership or association.

Rotor Diameter. The cross sectional dimension of the circle swept by the rotating blades.

Sewer Service Planning Area. An area identified by East Central Regional Planning Commission as having an anticipated need for wastewater treatment. A sewer service area plan identifies existing sewer areas as well as adjacent land most suitable for new development.

Total Height. When referring to a Wind Energy System, the distance measured from ground level to the blade extended at its highest point.

Tower. The monopole, freestanding, or guyed structure that supports a wind generator.

Wind Energy Facility. One or more Wind Energy Systems under common ownership or operating control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s).

Wind Energy Siting Permit. A construction and operating permit granted by the Code Administrator in accordance with the provisions of this Chapter and Wis. Stats. §66.0401, or any successor statutes.

Wind Energy System. A wind energy conversion system that converts the energy in the wind into electricity through the use of a wind generator, and includes the tower, blade, foundation, controller or inverter, and utility interface equipment.

Wind Energy System - Small: A wind energy system that has:

- (a) a nameplate capacity of 100 kilowatts or less; and
- (b) a total height of 170 feet or less; and
- (c) a rotor diameter of 60 feet or less.

Wind Energy System - Large: A wind energy system that has:

- (a) a nameplate capacity over 100 kilowatts; or
- (b) a total height over 170 feet; or
- (c) a rotor diameter over 60 feet.

Sec. 11-5. Non-conforming Legal Structures.

(a) Wind Energy Systems that were erected before the enactment of this Chapter and that are in continuous use shall be considered Non-Conforming Legal Structures and need not comply with the provisions contained herein.

(b) A Wind Energy System that does not provide energy for twelve (12) consecutive months shall lose its “Non-Conforming Legal” status and must comply with the provisions of the Chapter before it recommences production of energy.

(c) No person shall alter or modify a pre-existing Non-conforming Legal Structure without bringing the entire structure into compliance with this Chapter. This provision does not apply to routine maintenance and ordinary repairs that do not exceed 50% of the structure’s value at the time of the maintenance or repair.

Sec. 11-6 -- 14. Reserved.

ARTICLE II.

PROVISIONS APPLICABLE TO BOTH SMALL AND LARGE WIND ENERGY SYSTEMS

Sec. 11-15. Application Required.

(a) Any person who wishes to erect, modify or alter a Wind Energy Facility as set forth above must submit an application for a Wind Energy Siting Permit with the Planning and Zoning Department.

(b) If the Code Administrator determines the applicant is not meeting all of the conditions of the Wind Energy Siting Permit, this Chapter, or the approved site plan, the Code Administrator shall issue a Letter of Non-compliance. The applicant shall have fourteen (14) days to respond to said non-compliance allegations. If non-compliance is still determined to exist after review of the response by the Code Administrator, the applicant shall have thirty days (30) to correct the violation(s). Failure to comply within the 30 days may result in a revocation of the Wind Energy Siting Permit as set forth in Sec. 11-80 or a citation being issued as set forth in Chapter 1, Section 1-8.

(c) For Wind Energy Systems - Small, the Administrator shall issue a permit or deny the application within one month of the date on which the application is received. The Administrator shall issue a building permit for a Wind Energy System - Small if the application materials show that the proposed Wind Energy System - Small meets the requirements of this Chapter. If the application is rejected, the Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may reapply if the deficiencies specified by the Administrator are resolved.

(d) For Wind Energy Systems - Large, the applicant must comply with the requirements of Sec. 11-62 and 11-63, Neighborhood Review Process.

(e) All Wind Energy Facilities authorized by this Chapter shall be erected and completed according to the approved application and site plan within thirty six (36) months of permit issuance. If the Wind Energy Facility is to be erected in phases exceeding the allowable 36 months, the timeline must be stated in the application and approved by the Code Administrator. The Code Administrator shall then specify a deadline for completion on the permit.

Sec. 11-16. Information Required on Application.

(a) All permit applications shall be made on forms provided by Planning Department and be accompanied by a fee as set forth in Sec. 11-84.

(b) The application shall include:

- (1) The name, address, legal corporate status and telephone number of the applicant responsible for the accuracy of the application and site plan.
- (2) The name, address, legal corporate status and telephone number of the owner of the Wind Energy Facility.
- (3) A signed statement indicating that the applicant has legal authority to construct, operate, and develop the Wind Energy System(s) under state, federal and local laws and regulations, including Federal Aviation Administration (FAA), state and local building codes.
- (4) The applicant shall also provide copies of the Proof of a Certificate of Authority from the Public Service Commission of Wisconsin and the Public Service Commission of Wisconsin Environmental Assessment, if applicable.
- (5) A description of the number and kind of Wind Energy System(s) to be installed.
- (6) A description of the Wind Energy System(s)' height and design, including a cross section, elevation, and diagram of how the Wind Energy System will be anchored to the ground.
- (7) A diagram, drawn to scale, showing the parcel boundaries and a legal description, support facilities, access, proposed landscaping and fencing.
- (8) A statement from the applicant that all Wind Energy System(s) will be installed in compliance with manufacturer's specifications, and a copy of those manufacturer's specifications.
- (9) A copy of the lease with the landowner if the applicant does not own the land for the proposed Wind Energy Facility (s). A statement from the landowner of the leased site that he/she will abide by all applicable terms and conditions of the Wind Energy Siting Permit.
- (10) A statement indicating what hazardous materials will be used and stored on the site, and, how those materials will be stored.
- (11) A statement indicating how the Wind Energy Facility will be lit, if applicable.
- (12) The landowner where a Wind Energy System will be located shall provide a performance bond, completion bond, or other financial assurance that guarantees the performance of the restoration and removal, provided; however, said bond for Wind Energy System - Large shall be no less than \$20,000 per tower. Said bond shall be provided at the rate equivalent to one tower per year.

(c) No action will be taken on an application until the completed application and all supporting documentation is received by the Planning and Zoning Department.

Sec. 11-17. Site Plan.

(a) All applicants shall also submit a Site Plan containing the following:

- (1) A map, drawn to scale, with said scale no smaller than one inch equaling 100 feet, identifying the proposed site.
- (2) The scale and a north arrow on the map.
- (3) Said map should include the location of:
 - a. All public roads; Existing buildings and structures within a one half mile radius, including residences, schools, hospitals, churches and public libraries; All sewer service planning areas and incorporated municipal boundaries within a one half mile radius; Karst features, including sink holes and visible cracks, in the ground or rock surface on the proposed site (said Karst information must be provided by a professional geologist, licensed professional engineer, Calumet County Land and Water Conservation Department Staff, or the Department's designee); All property lines; All communication and electrical lines; All Proposed Wind Energy Facilities.
- (4) Descriptions of a benchmark on the proposed site, including elevations expressed in feet and tenths of feet.
- (5) Ground contour (2-foot maximum intervals) on the proposed site with spot elevations, including land slope around the proposed site for a minimum of one hundred (100) feet.

Sec. 11-18. Visual Appearance.

- (a) Wind Energy Facility shall be a non-reflective, non-obtrusive color.
- (b) At Wind Energy Facility site, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the Wind Energy System(s) to the natural setting and the existing environment.
- (c) Wind Energy Facility shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
- (d) Wind Energy Facility shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy System(s) and appropriate warning signs.
- (e) Electrical controls and control wiring and power-lines shall be wireless or not above ground except where Wind Energy Facility collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

Sec. 11-19. Noise.

- (a) Audible noise due to Wind Energy Facility operations shall not exceed fifty (50) dBA for any period of time, when measured at any residence, school, hospital, church or public library existing on the date of approval of any Wind Energy Siting Permit.
- (b) In the event audible noise due to Wind Energy Facility operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph (a) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center

frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

(c) In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow Wind Energy Facility operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

(d) Any noise level falling between two whole decibels shall be the lower of the two.

(e) In the event the noise levels resulting from the Wind Energy Facility exceed the criteria listed above, a waiver to said levels may be granted by the Code Administrator provided that the following has been accomplished:

- (1) Written consent from the affected property owners has been obtained stating that they are aware of the Wind Energy Facility and the noise limitations imposed by this Chapter, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
- (2) If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement has been recorded in the office of the Calumet County Register of Deeds which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this Chapter may exist on or at the burdened property.

(f) The burden of proof that a Wind Energy Facility is exceeding the allowed decibel levels shall be the responsibility of the party making such allegations.

(g) It is understood Wind Energy Systems - Small occasionally exceed these limits during power outages. The above regulations shall not apply to Wind Energy Systems - Small during power outages or storm occurrences.

Sec. 11-20. Signal Interference.

The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any Wind Energy System. If the applicant is a public utility, s. PSC 113.0707 also applies.

Sec. 11-21. Safety.

(a) All wiring between Wind Energy System(s) and the Wind Energy System substation shall be underground.

(b) All Wind Energy System(s) shall be reasonably protected from unauthorized access up to eight (8) feet above ground level.

(c) All access doors to Wind Energy System(s) and electrical equipment shall be secured to prevent unauthorized access.

(d) Appropriate warning signage shall be placed on Wind Energy System(s), electrical equipment, and Wind Energy System entrances.

Sec. 11-22 to 39. Reserved.

ARTICLE III.

WIND ENERGY SYSTEMS - SMALL

Sec. 11-40. Setbacks.

(a) The following setbacks and separation requirements shall apply to all Wind Energy Systems - Small; provided, however, that the Code Administrator may reduce the standard setbacks and separation requirements if the intent of this Chapter would be better served thereby.

- (1) Inhabited Structures: Each Wind Energy System shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than 1.1 times its Total Height.
- (2) Municipal Boundaries: Each Wind Energy System shall be sited at least 1.1 times its Total Height from the nearest boundary of all sewer service planning areas or sewer service boundary, or, 1.1 times its Total Height from an incorporated municipal boundary, whichever is greater. The setback shall be determined by utilizing the area or boundary existing at the time of the permit application.
- (3) Property Lines: Each Wind Energy System shall be set back from the nearest property line a distance of no less than 1.1 times its Total Height.
- (4) Public Roads: Each Wind Energy System shall be set back from the nearest public road a distance of no less than 1.1 times its Total Height, determined at the nearest boundary of the underlying right-of-way for such public road.
- (5) Park and Wildlife Area: Each Wind Energy System shall be set back a distance of no less than 1.1 times its Total Height from a "Park and Wildlife Area" as designated in the Calumet County Outdoor Recreation Plan as adopted at the time of the permit application.

Sec. 11-41. Minimum Ground Clearance.

The blade tip on any Wind Energy System-Small shall, at its lowest point, have a ground clearance of no less than thirty (30) feet.

Sec. 11-42 to 59. Reserved.

ARTICLE IV.

WIND ENERGY SYSTEMS - LARGE

Sec. 11-60. Setbacks.

(a) The following setbacks and separation requirements shall apply to all Wind Energy Systems - Large; provided, however, that the Code Administrator may reduce the standard setbacks and separation requirements if the intent of this Chapter would be better served thereby.

- (1) Inhabited Structures: Each Wind Energy System shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than one thousand (1000) feet.
- (2) Municipal Boundaries: Each Wind Energy System shall be sited at least 1000 feet from the nearest boundary of all sewer service planning areas or sewer service boundary, or, 1,000 feet from an incorporated municipal boundary, whichever is greater. The setback shall be determined by utilizing the area or boundary existing at the time of the permit application.
- (3) Property Lines: Each Wind Energy System shall be set back from the nearest property line a distance of no less than 1.1 times its Total Height.
- (4) Public Roads: Each Wind Energy System shall be set back from the nearest public road a distance of no less than 1.1 times its Total Height, determined at the nearest boundary of the underlying right-of-way for such public road.
- (5) Park and Wildlife Area: Each Wind Energy System shall be set back a distance of no less than 1,000 feet from a "Park and Wildlife Area" as designated in the Calumet County Outdoor Recreation Plan as adopted at the time of the permit application.

Sec. 11-61. Minimum Ground Clearance.

The blade tip on any Wind Energy System-Large shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.

Sec. 11-62. Road Repair.

(a) Road Analysis. The permit applicant shall reimburse the County or Township for any and all repairs and reconstruction to County or Township roads resulting directly from the construction of the Wind Energy Facility. A qualified independent third party or other qualified person, agreed to by the County or Township and permit applicant, and paid for by the permit applicant, shall be hired to pre-inspect the roadways to be used during construction. This third party shall be hired to evaluate, document, and rate the roads condition prior to construction of the Wind Energy Facility, and again 30 days after the Wind Energy Facility is completed. Any road damage done by the permit applicant or one or more of its contractors or subcontractors shall be repaired or reconstructed at the permit applicant's expense.

(b) Construction Completion Notification. The permit applicant shall provide the County or Township with written notice of completion of construction within 30 days after the Wind Energy Facility construction is complete. Determination as to how the roads should be repaired or reconstructed, within Wisconsin Department of Transportation standards for counties and townships, or township standards if they exist, must be completed before the Wind Energy Facility is commissioned.

(c) Payment for Damages. At the end of the Wind Energy Facility construction, the County or Township Board of Supervisors will negotiate the percentage of road repair or reconstruction costs that

will be paid by the permit applicant based on the independent third party's evaluations. The repair or reconstruction costs will be based on the cost of the repair at the time the work is actually done. Actual work on the road repair or reconstruction will occur at the earliest possible time.

(d) Road Damage. Any road damage caused by the permit holder or their agents during the repair, replacement, or decommissioning of any Wind Energy System(s) during the life of the project shall be paid for by the permit holder per the above language.

Sec. 11-63. Neighborhood Review.

(a) Notice provisions: The Code Administrator shall notify, by mail, all of the following individuals that an application has been submitted. The notice shall be mailed within ten (10) days of receiving a completed application and site plan:

- (1) The Land and Water Conservation Department;
- (2) The Town Clerk of the town in which the site of the application is located;
- (3) All property owners who reside within one half mile of the exterior property lines of the site of the proposed Wind Energy Facility.

(b) Identification of the property owners to receive a notice shall be based upon parcels and property owners recorded in the Calumet County Real Property Lister Office. The failure of such notice to reach any of the property owners identified shall not invalidate any site plan review meeting.

(c) The notice shall include the following information:

- (1) Name of the applicant, property owner, and corporation (if applicable).
- (2) Location of the subject project.
- (3) General description of the operation.
- (4) Information apprising the notice recipients of the date, time, and place of the neighborhood review meeting.
- (5) A statement noting that written correspondence shall be accepted by the Planning Department until 4:00 p.m. of the day prior to the meeting. The notice shall state the concerns expressed in such correspondence will be summarized at the meeting by the Code Administrator, but that the applicant will not be required to address said concerns unless similar concerns are expressed by persons in attendance at the meeting.

Sec. 11-64. Neighborhood Review Meeting.

(a) Purpose. The purpose of the meeting is to try to negate any potential conflicts between the applicant and surrounding property owners by providing an opportunity for the neighboring property owners and the applicant to reach an understanding on a site's planned use. Wind Energy Facilities are permitted in Calumet County provided the operation is in compliance with this Article. The ability of the applicant to create, enlarge or modify a Wind Energy Facility is not debatable at this meeting. Wis. Stat. §66.0401 makes it clear that counties are limited in what conditions they may impose upon an applicant for Wind Energy Facilities. The Neighborhood Review meeting is designed to give information to the surrounding property owners of the proposed operational plan and to allow them an

opportunity to make suggestions so that conflicts can be minimized. It is expected that the parties will attempt to find solutions so that new or expanded Wind Energy Facilities are compatible with the existing neighboring properties.

(b) Neighborhood Review Meeting. The Code Administrator shall schedule a meeting within fifteen (15) days of notifying individuals a completed application has been submitted to the Planning and Zoning Department. The Code Administrator shall preside over the meeting. The meeting is to be conducted in an atmosphere of informality. Direct dialogue between the parties shall be allowed, provided fairness to all parties and orderliness do not suffer. The Code Administrator shall:

- (1) Ensure that all parties have adequate opportunity to participate in the proceedings.
- (2) Summarize any written correspondence.
- (3) Facilitate orderly conduct to ensure fulfillment of the purpose of the meeting.
- (4) Raise concerns held by the Planning and Zoning Department that are not otherwise addressed at the meeting.
- (5) Assist the parties in arriving at a consensus on the proposed site plan by offering solution suggestions.

(c) Procedure.

- (1) The applicant shall first present to the assemblage details of the proposed project.
- (2) Following the presentation, the neighboring property owners and their agents, and residents who live within the half-mile area may question the applicant about details, which remain unclear.
- (3) After the questioning period, the presider will summarize any written correspondence, and the neighboring property owners, and their agents, may suggest changes to the proposed site plan.
- (4) Only neighboring property owners, or their agents, within the notification distance specified in Sec. 11-61 shall be eligible to suggest site plan changes and be party to any subsequent dialogue with the applicant regarding those suggested changes.
- (5) The surrounding neighbors may suggest changes to the site plan in the following areas only:
 - a. Methods to be implemented to minimize potential negative impacts on water quality.
 - b. Traffic access and road maintenance.
 - c. Lighting.
 - d. Vegetative screening.
 - e. Fencing.
 - f. Electromagnetic Communications
 - g. Noise

(d) If the neighboring property owners present no suggestions, the applicant shall assume there are no objections to the site plan, and the Code Administrator, upon finding compliance with this Chapter, shall issue a Wind Energy Siting Permit within thirty (30) days.

(e) If suggestions are offered, the applicant may agree to amend the site plan to reflect those suggestions and submit the site plan to the Planning and Zoning Department.

(f) If the application and site plan are in compliance with the provisions of this Chapter, the Code Administrator shall issue a permit within thirty 30 days.

Sec. 11- 65 to 79. Reserved.

ARTICLE V.

REVOCAION, APPEAL, NOTICE OF CONSTRUCTION, MODIFICATION, FEES AND ABANDONMENT

Sec. 11-80. Revocation of Permit.

(a) A Wind Energy Siting Permit may be revoked if, after the notice and correction provisions of Sec. 11-15 have been met:

- (1) The applicant fails to comply with conditions of the Wind Energy Siting Permit, this Chapter and Approved Site Plan.
- (2) The Code Administrator deems the Wind Energy Facility has not been properly maintained and poses a threat to health or safety.
- (3) If substantial progress has not been made towards the completion of a Wind Energy Facility within twenty-four (24) months after issuance of the Permit, or in accordance with the timeline approved by the Code Administrator. Upon request of an applicant, for good cause, the Code Administrator may grant an extension of time.
- (4) If the Wind Energy Facility authorized by permit is not completed within thirty-six (36) months of permit issuance, or in accordance with the timeline approved by the Code Administrator. Upon request of an applicant, for good cause, the Code Administrator may grant an extension of time.
- (5) The Wind Energy Site has been abandoned.

(b) Revocation Process:

- (1) The Planning and Zoning Committee shall hold a hearing to determine whether the Permit should be revoked. The applicant shall be given notice of the time and date of the hearing. The Committee shall receive testimony; the applicant will be permitted to provide evidence as well. The Committee shall issue a written decision based on substantial evidence.
- (2) Any person aggrieved by this determination may seek a review of the determination by the Board of Adjustments as set forth in Sec. 11-81.

Sec. 11-81. Appeal of the Determinations of the Code Administrator/Committee.

- (a) Any person aggrieved by the decision of the Code Administrator or Committee may appeal the decision to the Calumet County Board of Adjustments.
- (b) “Any person aggrieved” shall include the applicant, developer or any person who resides or owns land within one half mile of the proposed Wind Energy Facility.
- (c) All appeals must be filed within 30 days of issuance, denial or revocation of the Wind Energy Siting Permit. The Code Administrator shall file a certified copy of the record with the Board of Adjustments within 30 days of the receipt of the Notice of Appeal. The Record shall include all documents and information relied upon by the Code Administrator or Committee in making his/her/its decision to either grant, deny or revoke the Wind Energy Siting Permit.
- (d) The review by the Board of Adjustments shall be limited to a review of the record of the Code Administrator/Committee. The basis of the appeal shall be limited to whether the Code Administrator/Committee correctly applied Wis. Stats. §§ 66.0401 and the provisions of this Chapter.
- (e) The Board of Adjustments may affirm, reverse or remand back to the Code Administrator/Committee.
- (f) Nothing in this section shall be construed as limiting an aggrieved person’s right to a Certiorari Review in Circuit Court as permitted by Wisconsin Law.

Sec. 11-82. Notice of Construction.

- (a) The applicant shall notify the Planning Department at least five (5) working days before construction begins.
- (b) Within five (5) working days of completion of the Wind Energy Facility the applicant shall certify in writing that the Facility was built and installed according to the approved application and final site plan.

Sec. 11-83. Modification of Approved Site Plan.

The applicant shall not modify the approved application final site plan without written permission from the Code Administrator.

Sec. 11-84. Fees.

The application fee shall be \$275 per small tower and \$500 per large tower. Said fee shall be non-refundable.

Sec. 11-85. Abandonment.

- (a) The landowner of a Wind Energy Facility under this Chapter shall notify the Calumet County Planning and Zoning Department when the facility is no longer in operation. All obsolete, damaged, unused, or abandoned Wind Energy System(s) and accessory facilities shall be removed within twelve (12) months of cessation of operations unless the Code Administrator approves a time extension if the owner provides good cause. Said removal shall be the responsibility of the landowner where the Wind Energy Facility is located.

(b) After the Wind Energy Facility has been removed, the site shall be restored to its original or an improved condition, and anchoring elements shall be removed from the ground.

(c) If removal and/or restoration are not completed, the Code Administrator may order removal utilizing the performance bond required under Sec. 11-16.

Sec. 11-86. Severability.

The sections, paragraphs, sentences, clauses, Articles and phrases of this chapter are severable; if any provision is found to be unconstitutional, invalid or unenforceable, such finding shall not affect the remaining portions of this Chapter.

(History: Ord. No. 2005-02, September 27, 2005; Ord. No. 2005-17, December 20, 2005.)

Chapters 12--13

RESERVED

Chapter 14

EMERGENCY SERVICES*

* **Cross References:** Law enforcement, ch. 38.

Article I. In General

Sec. 14-1. Declaration of emergencies.
Sec. 14-2. Emergency rules.
Sec. 14-3. Local emergency planning committee (LEPC).
Sec. 14-4. Emergency management.
Sec. 14-5. National Incident Management Systems (NIMS)
Secs. 14-6--14-40. Reserved.

Article II. E 911 System

Sec. 14-41. Authority of article provisions.
Sec. 14-42. Purpose of article.
Sec. 14-43. Administration.
Sec. 14-44. Operation; user charges.
Sec. 14-45 Intentional Interference
Secs. 14-46--14-80. Reserved.

Article III. False Alarms

Sec. 14-81. Declaration of intent.
Sec. 14-82. Definitions.
Sec. 14-83. General requirements.
Sec. 14-84. Penalties for violation of article.
Sec. 14-85. Cooperation of alarm user, owner, or lessee.

ARTICLE I.

IN GENERAL

Sec. 14-1. Declaration of emergencies.

(a) A declaration of a state of emergency may be made by the governor, the county administrator, the emergency management director in the absence of the county administrator, or by majority of the county board. The issuing authority shall issue all necessary proclamations as to the existence of a state of emergency and shall issue such disaster warnings or alerts as shall be required in the county emergency operations plan.

(b) After the declaration of an emergency and the issuance of official disaster warnings, the emergency management director shall take action in accordance with the county emergency operations plan.

(c) Such state of emergency shall continue until terminated by the issuing authority.
(Ord. No. 2002, § 1, 6-18-2002)

Sec. 14-2. Emergency rules.

Upon the declaration of emergency, the county board, the county administrator, and, in his absence, the emergency management director may proclaim, promulgate and enforce orders and rules relating to the conduct of persons and the use of property which are necessary and expedient for the safety of the

public, which preserve lives and property, and which ensure the cooperation in emergency management activities. Such proclamation shall be posted in three public places and may be rescinded either by the issuing agency or by resolution of the county board.

(Ord. No. 2002-2, § 2, 6-18-2002)

Sec. 14-3. Local emergency planning committee (LEPC).

(a) The board of supervisors creates a local emergency planning committee, in accordance with Wis. Stats. § 59.54(8).

(b) The local emergency planning committee shall consist of at least 13 regular members, but not more than 19 members.

(c) Members of the local emergency planning committee shall be appointed by the County Administrator and confirmed by the County Board for two-year terms. Upon such members being confirmed by the County Board, those names shall be forwarded to the Wisconsin Emergency Management Board for approval and recording, as required.

(Ord. No. 1997-12, §§ 1--3, 12-16-1997)

Cross References: Administration, ch. 2.

Sec. 14-4. Emergency management.

(a) *Policy and purpose.* To ensure that the county will be prepared to cope with emergencies resulting from enemy action and with emergencies resulting from manmade and natural disasters, emergency management is created to carry out the purposes set out in Wis. Stats. § 166.

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

Emergency management includes civil defense and means all measures undertaken by or on behalf of the state and its subdivisions:

(1) To prepare for and minimize the effect of enemy action and natural or manmade disaster upon the civilian population.

(2) To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.

Enemy action means hostile action by a foreign power which threatens the security of this state or a portion thereof.

(c) *County emergency management committee.*

(1) *How constituted.* The civil defense committee of the county board as created under its rules is hereby designated as the county emergency management committee. When acting as such, the committee shall follow County procedure when electing a committee Chair.

(2) *Duties.* The county emergency management committee shall be an advisory and planning group and shall advise the county emergency management director/coordinator and the county board of supervisors on all matters pertaining to emergency management. It shall meet upon the call of the chairperson.

(d) *County emergency management director.* There is hereby created the office of county-municipal emergency management director. The county emergency management director shall also hold the office of emergency management director of such municipalities of the county as may hereafter enact an ordinance parallel to this section. In addition to his duties as county emergency management director, he shall have the additional duties and responsibilities of a municipal emergency management director as provided for in Wis. Stats. § 166.03.

(e) *Joint meetings.* Whenever it is deemed necessary by either the county emergency management committee, or the emergency management committee of a municipality participating in joint action, there shall be a joint meeting of the committees to decide such matters as may arise.

(f) *Duties of the county emergency management director.*

(1) *Countywide duties.* The director, in his capacity as county director subject to the control and direction of the county emergency management committee and under the general supervision of the county board, shall:

- a. Develop and promulgate emergency management plans for the county including planning for joint action municipalities, consistent with the state plan of emergency management;
- b. Coordinate and assist in the development of municipal emergency management plans within the county, and integrate such plans with the county plan;
- c. Direct the county and joint action municipality emergency management programs;
- d. Direct countywide emergency management training programs and exercises;
- e. Advise the state administrator of emergency management of all emergency management planning for the county and render such reports as may be required by the administrator;
- f. In case of a state of emergency proclaimed by the governor, direct the county and joint action municipalities in emergency management activities and coordinate the nonjoint action municipal emergency management activities within the county, subject to the coordinating authority of the state administrator; and
- g. Perform such other duties relating to emergency management as may be required by the county board.

(2) *Municipal duties.* The director in his capacity as director for a municipality in joint action shall:

- a. Direct the municipal emergency management organization;
- b. Develop, promulgate, and integrate into the county plan, emergency management plans for the operating services of the municipalities;
- c. Direct participation of the municipality in such emergency management training programs and exercises as may be required on the county level or by the state administrator;

- d. Direct the municipal emergency management training programs and exercises;
- e. Perform all administrative duties necessary for the rendering of reports and procurement of federal matching funds for each municipality requesting federal matching funds;
- f. In case of a state of emergency proclaimed by the governor, direct the activities of the municipal emergency management organization;
- g. Perform such other duties, relating to emergency management, as may be required by the municipal governing body.

(g) *Utilization of existing services and facilities.*

- (1) *Policy.* In preparing and executing the emergency management program, the services, equipment, supplies and facilities of the existing departments and agencies of the county shall be utilized to the maximum extent practicable; and the officer and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities as are required of them.
- (2) *Joint action.* Municipalities entering into joint action with the county will provide for utilization of existing services of municipal government by enactment of an ordinance parallel to this subsection of this section.

(h) *Other emergencies.*

- (1) *Joint action municipalities.* If the governor determines that an emergency exists growing out of natural or manmade disasters, the county emergency management director will activate and direct the emergency management services at the appropriate level of government affected by the emergency.
- (2) *Nonjoint action municipalities.* In the event of a natural or manmade disaster, the county director will coordinate the municipalities affected and render such assistance as is required and available from county resources.
- (3) *Penalties.* It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any order, rule, regulation or plan issued pursuant to this section, or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this section. For a violation of any of the provisions of this section, he shall forfeit not more than \$200.00.

Sec. 14-5. National Incident Management System (NIMS).

Calumet County will comply with the National Incident Management System (NIMS) requirement in all phases (i.e., mitigation, preparedness, response, recovery) of its emergency management program, as detailed by the federal and state government in order to facilitate an effective and coordinated emergency management system and in order to remain eligible for funding. A part of becoming compliant with NIMS, Calumet County hereby adopts the approved Incident Command System (ICS) for use in all emergency operations. The Calumet County Emergency Management Director will provide county and municipal agencies with the information necessary to aid each entity comply with the NIMS requirement.

(Ord. No. 35, §§ 1--8, 9-26-1972; Ord. No. 2005-01,§5, 4-19-05)

Secs. 14-6--14-40. Reserved.

ARTICLE II.

E 911 SYSTEMS

Sec. 14-41. Authority of article provisions.

This article is enacted under the authority of Wis. Stats. § 146.70, and shall be constructed to be consistent with Wis. Stats. § 146.70, and acts amendatory thereto.

(Ord. No. 1994-11, § 1, 8-16-1994)

Sec. 14-42. Purpose of article.

This article is enacted for the purpose of creating an emergency telephone system which can be accessed from any telephone located in the county and elsewhere as provided in this article by dialing the numbers 911.

(Ord. No. 1994-11, § III, 8-16-1994)

Sec. 14-43. Administration.

This article shall be administered by the county sheriff's department under the direction of the sheriff, subject to the authority of the county board, and its standing protection of persons and property committee.

(Ord. No. 1994-11, § IV, 8-16-1994)

Cross References: Administration, ch. 2.

Sec. 14-44. Operation; user charges.

(a) The county sheriff's department shall operate and maintain an emergency telephone system which can be accessed from any telephone located within the county by dialing 911, 24 hours per day, seven days per week.

(b) The sheriff's department shall create and maintain an E 911 operational manual which shall include a plan of organization, designation of exchange for all areas covered by E 911, and public safety answering points for all communities, the coroner and emergency government.

(c) All customers within the county E 911 emergency telephone system area shall be billed in an amount sufficient to cover charges as provided for by Wis. Stats. § 146.70(3).

(Ord. No. 1994-11, 8-16-1994)

Sec. 14-45 Intentional Interference

No person shall intentionally interfere with the proper functioning of the E911 system. Interference shall include making false, abusive, obscene, repeated or hangup telephone calls to the E911 system whether or not conversations occur.

Secs. 14-46--14-80. Reserved.

ARTICLE III.

FALSE ALARMS

Sec. 14-81. Declaration of Intent.

The primary purpose of this article is to reduce the incidents of false burglar, holdup and fire alarms, which are preventable or avoidable. This article is also intended to encourage the installation of reliable alarm systems and to ensure that they are well maintained and reliably used. The installation of properly functioning systems, used responsibly, should reduce the number of false alarms and reduce the danger to both officers and the public by minimizing the number of times the officers respond in an emergency manner to these false alarms.

(Ord. No. 1990-15, § 1, 3-18-1991)

Sec. 14-82. Definitions.

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

Alarm system means an assembly of equipment and/or devices arranged and intended to signal the presence of a hazard or situation requiring urgent attention and to which the sheriff's department is expected to respond. The term "alarm system" shall include the terms, "holdup alarm," "burglar alarm system," "automatic holdup system," "manual holdup system," "direct line system," "proprietary system," "local alarm system," "central station system," "answering service" and "fire alarm."

Alarm user means any person on whose premises, commercial or residential, an alarm system is maintained within the county. Excluded are alarm systems on motor vehicles unless they are connected to an alarm system at a premises.

Annunciator means the instrumentation on an alarm console at the receiving terminal of a signal line which, through both visual and audible signals, shows when an alarm device at a particular location has been activated or which may indicate line trouble.

Answering service means a telephone answering service providing the service of receiving, on a continuous basis through employees, emergency signals from an alarm system and, thereafter, which is expected to immediately relay the message of the emergency signal (alarm) by live voice to the communication center of the sheriff's office.

Automatic dialing device means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation the alarm device is designed to detect.

Automatic holdup alarm system means an alarm system in which the signal transmission is initiated by the action of the robber.

Burglar alarm system means an alarm system signaling an entry or attempted entry into the area protected by the system.

Calendar year means 12:01 a.m. on January 1 to midnight on December 31.

Central station system means a system in which the operation of electrical protection circuits and

devices are signaled automatically to, recorded in, maintained, and supervised from, a central station having trained operators in attendance at all times.

Direct line system means a telephone line leading directly from a central station to the communications center of the county sheriff's office used only to report emergency signal information on a person-to-person basis.

False alarm means any of the following:

- (1) The activation of an alarm system through negligence of the owner, alarm user, or lessee of an alarm system or of his employees or agents.
- (2) The activation of an alarm system through mechanical failure or malfunction because of improper maintenance by the alarm user, owner, lessee, or his employees or agents.
- (3) The activation of an alarm system because of improper installation by the alarm user, owner, lessee, or their employees or agents or the company which installed the system.
- (4) The negligence or improper use of the equipment by the alarm user, owner, lessee, or employee.

The term "false alarm" does not include those alarms caused by hurricanes, tornados, earthquakes, other violent conditions, or intentionally giving a false alarm as listed in Wis. Stats. § 941.13.

Fire alarm means an alarm system signaling that a fire is occurring at an area protected by the system.

Holdup alarm means an alarm system signaling a robbery or attempted robbery.

Local alarm system means a signaling system which, when activated, causes an audible and/or visual signaling device to be activated in or on the premises the alarm was intended to protect. If the system was designed and intended to attract the attention of people outside of the building, it shall come under the definition of alarm system.

Manual holdup alarm means an alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer of an attack.

Proprietary system means an alarm system sounding or recording alarm and supervisory signals at a control within the protected premises, the control center being under the supervision of the proprietor, or an employee, of the protected premises. If a proprietary system includes a signal line connected directly, by means of an automatic dialing device, to the alarm panel at the sheriff's department, a central station, or answering service, it thereby becomes an alarm system. The system is also included if the control center receives the alarm signal and, by voice communication via telephone line or by activation of an alarm signal connected to the sheriff's department, indicates the existence of the alarm. (e.g., the control center receives an indication of a fire and they telephone the county dispatcher that they have an indication of a fire or they trip an alarm that sends a signal to an annunciator in the alarm panel.)

(Ord. No. 1990-15, § 2, 3-18-1991)

Cross References: Definitions generally, § 1-2.

Sec. 14-83. General requirements.

- (a) Any person having an alarm installed on any business or residence and comes under the

definition of the term "alarm user" shall, within 30 days of the alarm system becoming fully functional, notify the sheriff's office of the following:

- (1) The existence of the alarm and type (i.e burglary, fire, etc.).
 - (2) The name of the alarm company installing and responsible for the maintenance of the alarm system and its phone number.
 - (3) The name of the alarm user and the phone numbers of two people who can be contacted and will respond to the scene of the alarm to assist officers in checking property. The alarm owner, user, or lessee shall also notify the sheriff's office, within 30 days, of any change in the name or phone numbers for their contact people.
 - (4) The person on whose premises the alarm system is installed shall contact the sheriff's office and advise them of who shall be considered the person primarily responsible for the system.
- (b) No type of automatic dialing device or other alarm system shall be permitted to be directly connected by any means to the 911 emergency number system, except those lines which are directly connected to annunciators on the alarm panel.
- (c) Alarms connected to the annunciators on the alarm panel at the sheriff's office shall be done via a dedicated telephone line, and all costs shall be borne by the alarm user, owner, or lessee.
- (d) No alarm system designed to transmit emergency messages directly to the sheriff's department shall be tested or demonstrated without first notifying the sheriff's department communications center. (Ord. No. 1990-15, § 3, 3-18-1991)

Sec. 14-84. Penalties for violation of article.

- (a) The owner, alarm user, or lessee of any alarm system shall be allowed three false alarms in a calendar year with no penalty. After the second false alarm, a letter will be sent by the sheriff's office to the person indicated as the alarm user informing them of the penalties for the fourth and subsequent offenses. A citation will be issued for fourth or subsequent offenses.
- (1) A forfeiture of \$50.00 shall be assessed, plus court costs, to the alarm user, owner, or lessee for a fourth offense.
 - (2) For fifth and subsequent offenses, a forfeiture of \$100.00, plus court costs, shall be assessed against the alarm user, owner, or lessee.
- (b) Failure to provide information concerning section 14-83, general requirements, shall result in the following:
- (1) Upon a first offense of the information not having been provided, the alarm user, owner, or lessee shall be sent a letter by the sheriff's department informing them of the provisions of this article.
 - (2) Thirty days after having been notified of the existence of this article and being given a warning for a first offense, for any second and subsequent offense a citation shall be issued which shall result in a \$50.00 forfeiture, plus court costs.
- (Ord. No. 1990-15, § 4, 3-18-1991)

Sec. 14-85. Cooperation of alarm user, owner, or lessee.

(a) Before an officer can consummate his investigation of an alarm activation, it is necessary for the officer to have the cooperation of the alarm user, owner, lessee, or one of their named contact persons as required by section 14-83. The presence of the alarm user, owner, lessee or one of their named contact persons is needed at the scene of the alarm activation to let the officer into locked premises and to provide the officer with details as to any missing/damaged property. The reason for this is that in the past, officers have notified alarm users, owners, or lessees as to the alarm activation but such persons, on occasion, have refused to appear at the scene. This results in an officer making additional trips to the premises to complete his investigation.

(b) If the sheriff's department notifies an alarm user, owner, or lessee, or one of their named contact persons, as to the activation of their alarm and such user, owner, lessee, or contact person fails to appear at the scene within 45 minutes after the sheriff's department notifies such person of the alarm activation, the alarm user, owner, or lessees shall be responsible for paying the costs of the officer in making an additional trip to the scene, such costs amounting to the sum of \$75.00 per trip. Such sum shall be paid by the alarm user, owner, or lessee within ten days of receiving a bill from the sheriff's department for such costs. The owner, user, or contact person shall be responsible for paying such costs, regardless of whether or not the alarm was false.

(Ord. No. 1990-15, § 5, 3-18-1991)

Chapters 15--17

RESERVED

Chapter 18

ENVIRONMENT*

* **Cross References:** Animals, ch. 6; buildings and building regulations, ch. 10; floods, ch. 26; health and sanitation, ch. 30; parks and recreation, ch. 46; shoreland-wetland, ch. 50; solid waste, ch. 54; general regulations regarding solid waste facilities and hazardous waste facilities, § 54-71 et seq.; streets, sidewalks and other public places, ch. 58; subdivisions, ch. 62; utilities, ch. 74; waterways, ch. 78; zoning, ch. 82.

Sec. 18-1. Standards for animal waste storage.

Sec. 18-2. Landspreading of petroleum contaminated soil brought into county from elsewhere.

Sec. 18-3. Hazardous spills.

Sec. 18-4. Hazardous waste inspection process.

Sec. 18-5 through 18-38 NonMetallic Mining Ordinance

Sec. 18-1. Standards for animal waste storage.

(a) *Design and construction of facilities.* The county board of supervisors, pursuant to Wis. Stats. §§ 59.70(20) and 92.16, regulates the design and construction of animal waste storage facilities in the county.

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

Animal waste means livestock excreta and other materials, such as bedding, rain or other water, soil, hair, feathers, and other debris normally included in animal waste handling operations.

Animal waste storage facility means a concrete, steel, or otherwise fabricated structure, or an earthen impoundment, used for temporary storage of animal waste or other organic waste.

Applicant means any person who applies for a permit under this section.

Construction specifications means the current version of the written standards and specifications for construction of animal waste storage facilities approved by USDA-NRCS and approved by the county land and water conservation committee.

County conservationist means the person employed in the LWCD who is designated department head.

Earthen animal waste storage facility means a facility constructed of earth dikes, pits or ponds used for temporary storage of animal waste.

LWCD means the county land and water conservation department.

Permit means the signed, written statement issued by the county conservationist under this section authorizing the applicant to construct, install, reconstruct, enlarge, or substantially alter an animal waste storage facility.

Permittee means any person to whom a permit is issued under this section.

Person means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within the state, the federal government, or any combination thereof.

Technical standards means the current version of written standards and specifications for animal waste storage facilities approved by the USDA NRCS, as found in the Field Office Technical Guide, and adopted by the county land and water conservation committee.

USDA-NRCS means the United States Department of Agriculture-Natural Resources Conservation Service.

Water pollution means contaminating or rendering unclean or impure the groundwater or surface water of the state, or making such waters injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.

(c) *Activities subject to regulation.* This section applies to any person who constructs, installs, designs, reconstructs, enlarges, or substantially alters an animal waste storage facility, or who employs another person to do so. A person is in compliance with this section if he follows the procedures of this section, receives a permit from the LWCD before beginning activities subject to regulation under this section, and complies with the requirements of the permit.

(d) *Standards.* All animal waste storage facilities shall comply with the USDA-NRCS Technical Standards and the state construction specifications.

(e) *Application for, and issuance of, permits.*

- (1) No person may undertake an activity subject to this section without first obtaining a permit from the LWCD.
- (2) Emergency repairs, such as repairing a broken pipe or equipment, leaking dikes, or the removal of stoppages, may be performed without a permit. If repairs will significantly alter the original design and construction of the facility, a report shall be made to the LWCD within one day of the emergency for the determination by the LWCD on whether a permit will be required for any additional alteration or repair to the facility. The LWCD's determination shall be rendered within one day of the reporting.
- (3) The fee for a permit under this section shall be \$25.00.

(f) *Plan requirements.* Each application for a permit under this section shall include an animal waste storage facility plan. The plan shall specify:

- (1) The number and kinds of animals for which storage is provided.
- (2) A sketch of the facility and its location in relation to buildings within 250 feet, and homes within 500 feet, of the proposed facility. The sketch shall be drawn to scale, with a scale no smaller than one inch equals 100 feet.
- (3) A plan view of the site showing all buildings, structures, mound systems, septic systems, holding tanks, gas lines, electric lines, roads, rights-of-way, easements, or any other feature of the site which would impact safe construction of animal waste storage facilities located within 300 feet of the proposed facility.
- (4) Complete construction specifications, including, but not limited to, dimensions, cross section views with dike or wall thickness, and construction material specifications.

- (5) The location of any wells within 300 feet of the facility.
- (6) The soil test pit locations and soil descriptions to a depth of at least three feet below the planned bottom of the facility.
- (7) From each site, percentage of soil fines passing a No. 200 standard sieve.
- (8) If a soil liner is used, No. 200 sieve test, plastic index and/or permeability if necessary.
- (9) The elevation of seasonally high groundwater or bedrock if encountered in the soil profile and the date of any such determinations.
- (10) Provisions for adequate drainage and control of facility runoff to prevent pollution of surface water and groundwater. If a navigable body of water lies within 500 feet of the facility, the location and distance to the body of water shall be shown.
- (11) The scale of the drawing and north arrow.
- (12) A time schedule for construction of the facility.
- (13) Transfer system of animal waste to animal waste storage facility.
- (14) Descriptions of benchmark, including elevations expressed in feet and tenths of a foot.
- (15) Plans for utilization of the animal waste, including the amount of land available for application of waste, identification of the areas where the waste will be used, soil types and any limitations on waste application due to soil limitations, type and proximity of bedrock or water table, slope of land, and proximity to surface water.

(g) *Review of application.* The LWCD shall receive and review all permit applications and shall determine if the proposed facility meets required standards as set forth in subsection (d) of this section. Within 30 days after receiving the completed application and fee, the LWCD shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the LWCD shall so notify the permit applicant. The LWCD has 15 days from the receipt of the additional information in which to approve or disapprove the permit application. If the LWCD fails to approve or disapprove the permit application in writing within 45 days of receipt of the permit application or additional information, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit has been issued.

(h) *Permit conditions.*

- (1) All permits issued under this section shall be issued subject to the following conditions and requirements:
 - a. Animal waste storage facility design, construction and management shall be carried out in accordance with the animal waste facility plan and applicable standards specified in subsection (d) of this section.
 - b. The permittee shall give two working days' notice to the LWCD before starting any construction activity authorized by the permit.
 - c. Approval in writing must be obtained from the LWCD prior to any modifications

to the approved animal waste facility plan.

d. The permittee and, if applicable, the contractor, shall certify in writing that the facility was installed as planned.

(1) Activities authorized by permit must be completed within two years from the date of issuance after which such permit shall be void.

(2) The LWCD may revoke any permit issued under this section if the holder of the permit has misrepresented any material fact in the permit application or animal waste facility plan, or if the holder of the permit violates any of the conditions of the permit.

(i) *Administrative duties.*

(1) The county designates the LWCD to administer and enforce this section and who shall:

a. Keep an accurate record of all permit applications, animal waste facility plans, permits issued, inspections made, and other official actions.

b. Review permit applications and issue permits in accordance with subsection (f) of this section.

c. Inspect animal waste facility construction to ensure the facility is being constructed according to plan specifications.

d. Investigate complaints relating to compliance with this section.

e. Perform other duties as specified in this section.

(2) The LWCD is authorized to enter upon any lands affected by this section to inspect the land prior to or after permit issuance to determine compliance with this section. If permission cannot be received from the applicant or permittee, entry by LWCD shall be according to Wis. Stats. § 66.0119.

(j) *Enforcement authority.*

(1) The LWCD is authorized to post an order stopping work upon land which has had a permit revoked or on land currently undergoing activity violation of this section. Notice is given by both posting upon the land where the violation occurs and by mailing a copy of the order by certified mail to the person whose activity is in violation of this section. The order shall specify that the activity must cease or be brought into compliance within seven days.

(2) Any permit revocation or order stopping work shall remain in effect unless retracted by the land and water conservation committee, the LWCD or by a court of general jurisdiction, or until the activity is brought into compliance with this section. The county conservationist is authorized to refer any violation of this section, or of an order stopping work issued pursuant to this section, to the corporation counsel for commencement of further legal proceedings.

(k) *Violations.*

- (1) Any person who violates, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this section shall be subject to a forfeiture of not less than \$100.00 plus costs of prosecution for each violation. An unlawful violation includes failure to comply with any standard of this section or with any condition or qualification attached to the permit. Each day a violation exists shall be a separate offense.
- (2) As a substitute for, or an addition to, forfeiture actions, the county may seek enforcement of any part of this section by court actions seeking injunctions or restraining orders.

(l) *Appeals.*

- (1) Under authority of Wis. Stats. Chapter 68, the county land and water conservation committee, created under Wis. Stats. § 59.70(19), and acting as an appeal authority under Wis. Stats. § 68.09(2), is authorized to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination by the LWCD in administering this section.
- (2) The rules, procedures, duties, and powers of the land and water conservation committee and Wis. Stats. Chapter 68 shall apply to this section.
- (3) Appeals may be taken by any person having a substantial interest which is adversely affected by the order, requirement, decision, or determination made by the LWCD.

(m) *Scope.* The provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other power granted by state statutes.

(Ord. No. 1989-1, §§ 1--12, 6-20-1989)

Cross References: Animals, ch. 6; solid waste, ch. 54.

Sec. 18-2. Landspreading of petroleum contaminated soil brought into county from elsewhere.

(a) Pursuant to Wis. Stats. § 59.64, no person shall deposit on lands located in the county, soil which was removed from property located outside of the county which is contaminated by petroleum products. This restriction does not apply to landfills properly licensed for the disposal or remediation of petroleum contaminated soils.

(b) Any person violating this section shall cease and remove any soil placed in violation of this section. Further, any person violating this section shall forfeit not less than \$25.00 nor more than \$200.00, plus costs, for each violation. Each day of violation is considered a separate offense.

(c) The county planning and zoning department shall enforce this section and is authorized to issue citations for violations of this section. Any court enforcement is to be handled by the county corporation counsel.

(Ord. No. 1996-5, §§ 1--3, 7-16-1996)

Sec. 18-3. Hazardous spills.

(a) *Substance release; containment, cleanup, and restoration.* An owner, controller, or hauler, except those specifically sanctioned to perform waste disposal, hazardous material collection, or landfill activities, who releases or causes the release into the ecosystem of the county any solid, liquid vapor, or gaseous substance that creates a hazard, potential hazard, public nuisance, health risk, or a deleterious

effect upon the environment shall, upon direction of any emergency management, law enforcement or fire department representative having jurisdictional authority, begin immediate actions to contain, clean up, and remove to an approved repository the offending substance and restore the site to its original condition. Should any owner, controller, or hauler of a released solid, liquid vapor, or gaseous substance fail to comply or to complete the requirements of this section in a time frame that is acceptable to the emergency management, law enforcement, or fire department representatives having jurisdictional authority, such public officials may order the containment, cleanup, and restoration actions to be taken by public or private agencies.

(b) *Pecuniary responsibility.* An owner, controller, or hauler of a released solid, liquid vapor, or gaseous substance per subsection (a) of this section shall be responsible for all reasonable and necessary expenses incurred in the containment and cleanup of the released substance and restoration of the site per subsection (a) of this section, including reimbursement to the responding agencies for all reasonable and necessary expenses incurred in carrying out their duties under this section.

(c) *Reimbursement.* A responding agency seeking reimbursement under subsection (b) of this section shall submit a claim stating its expenses to the local emergency planning committee (LEPC). The LEPC shall review such claims and determine the amount of reasonable and necessary expenses incurred. The LEPC shall provide an individual, firm, or corporation that is pecuniarily liable for reimbursement under subsection (b) of this section with a written notice of the amount of expenses it has determined to be reasonable and necessary that arise from a substance release under subsection (a) of this section and are incurred by all responding agencies from which the LEPC has received a claim. If an individual, firm, or corporation receiving such a notice objects to the amount of claimed expenses, the individual, firm, or corporation may petition the LEPC in writing within ten days of that notice that the committee review its determination. Such request must state specific objections to claimed expenses and offer concise rationale for the objections. The LEPC may modify its determination and shall notify the individual, firm, or corporation of the result of its review. An individual, firm, or corporation that is pecuniarily liable under subsection (b) of this section shall make direct reimbursement to each responding agency.

(d) *Site access.* Access to any site, public or private, where a prohibited release is indicated or suspected will be provided to emergency management, law enforcement, or fire department representatives having jurisdictional authority for the purpose of evaluating the threat to the public and monitoring containment, cleanup, and restoration activities.

(e) *Public protection.* Should any prohibited release occur that threatens the life, safety, or health of the public at, near, or around the site of a prohibited release and that the situation is so critical that immediate action must be taken to protect life, safety, or health, the incident commander or emergency management representative, senior law authority on the scene may order an evacuation of the area or take other appropriate measures as necessary.

(f) *Enforcement.* The director of emergency management, sheriff, and sheriff's deputies and the law enforcement and fire department officials of their respective local jurisdictions shall have the authority to issue citations or complaints under this section.

(g) *Civil liability.* Any individual, firm, or corporation in violation of this section shall be liable to the county for any expenses incurred by the county or loss or damage sustained by the county by reason of such violation.

(h) *Penalty.* No person shall obstruct, hinder, or delay any member of the emergency management organization in the enforcement of an order, rule, regulation, or plan issued pursuant to the authority contained in this section or represent himself as a member of the county emergency management

organization. Except as otherwise provided in this section, any person who violates any provision of this section shall be subject to a penalty of up to \$1,000.00 or one year in the county jail, or both. (Ord. No. 1993-1, §§ 1--8b, 4-19-1993)

Sec. 18-4. Hazardous waste inspection process.

- (a) Hazardous waste and toxic substances are a major concern in the acquisition and ownership of real estate. Federal and state statutes and regulations impose severe restrictions and significant economic sanctions upon the owners of real estate containing hazardous waste and toxic substances. The purpose of this section is to prevent the acquisition, knowingly or unknowingly, of lands by the county containing hazardous waste and toxic substances.
- (b) All interest in real estate acquired by the county, pursuant to Wis. Stats. Chapters 75, 59, 32, 83, or by any other method, shall be subject to this section. The purchase of property for highways and the purchase of highway rights-of-way and easements are also subject to this section.
- (c) Prior to the acquisition or the execution of any agreement to purchase real estate or prior to the filing of any foreclosure proceedings for delinquent taxes in the county, the responsible county department shall make referral of the matter to the land evaluation committee, comprised of land and water, emergency management and sheriff department employees. No acquisitions by any county department shall be valid after the passage of the ordinance from which this section is derived unless the land evaluation committee site assessment has been completed.
- (d) Upon receiving referral from any county department proposing real estate acquisition or foreclosure of property by the county, pursuant to Wis. Stats. §§ 75, 59, 32 and 83, the land evaluation committee shall, within 20 days of such referral, inspect the premises to make an initial determination as to whether or not there is a reasonable basis to believe hazardous waste or toxic substances may exist on or beneath the surface of such premises. If the committee finds that no hazardous waste or toxic substances are present, the land evaluation committee shall, on appropriate forms, return approval to the referring department. If the land evaluation committee has reason to believe that hazardous waste may be located on a site being examined by the land evaluation committee, the land evaluation committee shall reject the proposed acquisition of such property containing hazardous waste and shall apprise the interested department of such rejection. If the land evaluation committee rejects the proposed purchase or foreclosure of property due to the fact that it believes that hazardous waste may be located on the site being inspected, the land evaluation committee shall make referral of this matter to the environmental protection agency and the state department of natural resources for proposed cleanup and inspection by such governmental agencies.
- (e) In making the assessment, the land evaluation committee may utilize as resources all agencies and departments of the county.
- (f) The land evaluation committee shall not be personally liable or responsible for decisions made or judgments rendered in implementing this section.
- (g) The terms "hazardous waste" and "toxic substances" include all wastes and substances deemed hazardous or extra-hazardous including underground petroleum and oil storage tanks and any other substances deemed by the EPA or the DNR to represent a threat to public safety.
- (h) It is desirable that each member of the land evaluation committee complete, if possible, a training course on hazardous waste/toxic substances.
(Ord. No. 1990-14, §§ 1--8, 2-19-1991)

Sec. 18-5 NonMetallic Mining Ordinance

18-5. Title. Nonmetallic mining reclamation ordinance for the County of Calumet, Wisconsin

18-6. Purpose. The purpose of this chapter is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in Calumet County after the effective date of this chapter, in compliance with Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wisconsin Statutes.

18-7. Statutory Authority. This chapter is adopted under authority of § 295.13(1), Wisconsin Statutes, § NR 135.32, Wisconsin Administrative Code, and § 59.51, Wisconsin Statutes.

18-8. Restrictions Adopted Under Other Authority. The purpose of this chapter is to adopt and implement the uniform statewide standards for nonmetallic mining reclamation required by § 295.12(1)(a), Stats. and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.

18-9. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes outside the reclamation requirements for nonmetallic mining sites required by subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 135, Wisconsin Administrative Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Chapter NR 135, Wisconsin Administrative Code.

NOTE TO READER: Once this reclamation program is set up, reclamation should not be required or otherwise regulated under zoning or other controls. Zoning or other approvals finalized before Ch. NR 135-authorized reclamation programs can continue, and are contemplated by s. NR 135.21(1)(d), Wis. Adm. Code. Future zoning approvals or conditional use permits may be used to regulate other aspects of nonmetallic mining such as siting or operations, but this chapter pre-empts future zoning approvals or conditional use permits as a means to establish reclamation requirements.

18-10. Severability. Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

18-11. Applicability.

(a) Overall Applicability. The requirements of this chapter apply to all operators of nonmetallic mining sites within Calumet County operating on or commencing to operate after August 1st, 2001 except as exempted in sub. (b). and for nonmetallic mining sites located in a city, village or town within Calumet County that has adopted an ordinance pursuant to §295.14, Wisconsin Statutes, and Section NR 135.32(2), Wisconsin Administrative Code. This chapter does not apply to nonmetallic mining sites where nonmetallic mining permanently ceases before August 1, 2001. This chapter applies to nonmetallic mining conducted by or on behalf of the State of Wisconsin, by or on behalf of a municipality or for the benefit or use of the state or any state agency, board, commission or department, except for the waiver of financial assurance in sec. 18-18.

(b) Exemptions. This chapter does not apply to the following activities:

- (1) Nonmetallic mining at a site or that portion of a site that is subject to permit and reclamation requirements of the Wisconsin Department of Natural Resources under §§. 30.19, 30.195 or 30.20, Stats., and complies with Chapter NR 340, Wisconsin Administrative Code.
- (2) Excavations subject to the permit and reclamation requirements of §§ 30.30 or 30.31, Stats.
- (3) Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.
- (4) Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.
- (5) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
- (6) Excavations for building construction purposes conducted on the building site.
- (7) Nonmetallic mining at nonmetallic mining sites that affect less than one acre of total area over the life of the mine.
- (8) Any mining operation, the reclamation of which is required in a permit obtained under Chapter 293, Stats.
- (9) Any activities required to prepare, operate or close a solid waste disposal facility under Chapter 289, Stats., or a hazardous waste disposal facility under Chapter 291, Stats., that are conducted on the property where the facility is located, but an applicable nonmetallic mining reclamation ordinance and the standards established in this chapter apply to activities related to solid waste or hazardous waste disposal that are conducted at a nonmetallic mining site that is not on the property where the solid waste or hazardous waste disposal facility is located, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.
- (10) Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the nonmetallic mining site.
 - (a) This exemption only applies to a nonmetallic mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.
 - (b) If a nonmetallic mining site covered under pars. (a) and (b) is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this paragraph still applies, provided that

the site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.

(11) Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.

(12) Removal of material from the bed of Lake Michigan or Lake Superior by a public utility pursuant to a permit under § 30.21, Stats.

(13) The excavation of ponds, regardless of size, if all excavated materials remain on the site during its construction and after its completion.

(14) The excavation of ponds, regardless of size, if contained within designated wetland or shoreland areas which do not permit the stockpiling, or use, of the excavated materials on the site.

18-12. Administration. The provisions of this chapter shall be administered by the Calumet County Planning and Zoning Committee, its staff, and/or its designated Administering Agency.

18-13. Effective Date. The provisions of this chapter shall take effect on July 1, 2001 and shall be based on the language contained in Chapter NR-135, Wisconsin Administrative Code as of that date. All provisions of Chapter NR-135 shall apply until amended and then shall apply as amended.

18-14. Definitions. In this chapter:

(a) "Administering Agency" means a public or private entity which oversees the provisions and requirements of the Non-Metallic Mining Reclamation Ordinance through a contractual agreement, approved by Calumet County, which spells out certain authorities, activities, and responsibilities of the contracted entity.

(b) "Alternative requirement" means an alternative to the reclamation standards of this chapter provided through a written authorization granted by Calumet County, and subsequently, its Administering Agency pursuant to s. 18-22.

(c) "Applicable reclamation ordinance" means a nonmetallic mining reclamation ordinance, including this chapter, that applies to a particular nonmetallic mining site and complies with the requirements of this Chapter NR 135, Wisconsin Administrative Code and subchapter I of § 295, Stats., unless the Wisconsin Department of Natural Resources is the regulatory authority as defined in s. 18-24. If the Wisconsin Department of Natural Resources is the regulatory authority, "applicable reclamation ordinance" means the relevant and applicable provisions of Chapter NR 135, Wisconsin Administrative Code.

(d) "Borrow site" means an area outside of a transportation project site from which stone, soil, sand or gravel is excavated for use at the project site. This term does not include areas which provide materials for any commercial sales or uses other than those related to the transportation project.

(e) "Contemporaneous reclamation" means the sequential or progressive reclamation of portions of the nonmetallic mining site affected by mining operations that is performed in advance of final site reclamation, but which may or may not be final reclamation, performed to minimize the area exposed to erosion, at any one time, by nonmetallic mining activities.

(f) "Department" means the Wisconsin Department of Natural Resources.

- (g) "Environmental pollution" has the meaning in § 295.11(2), Stats.
- (h) "Existing mine" means a nonmetallic mine where nonmetallic mining takes place before August 1, 2001.
- (i) "Financial assurance" means a commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in sec. 18-18 and is sufficient to pay for reclamation activities required by this chapter.
- (j) "Landowner" means the person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns nonmetallic mineral rights to land, if a different person possesses title to that land in fee simple or holds a land contract for that land.
- (k) "Municipality" means Calumet County or any of its cities, towns, or villages.
- (l) "Nonmetallic mineral" means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.
- (m) "Nonmetallic mining" or "mining" means all of following:
- (1) Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as topsoil removal, excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, christmas trees or plant nursery stock.
 - (2) Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the same nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping, pulverizing, and dewatering.
- (n) "Nonmetallic mining reclamation" or "reclamation" means the rehabilitation of a nonmetallic mining site to achieve a land use specified in a nonmetallic mining reclamation plan approved under this chapter, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.
- (o) "Nonmetallic mining refuse" means waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.

(p) "Nonmetallic mining site" or "site" means all contiguous areas of present or proposed mining described in par. (a), subject to the qualifications in par. (b).

(1) Nonmetallic mining site means the following:

- A. The location where nonmetallic mining is proposed or conducted.
- B. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
- C. Areas where nonmetallic mining refuse is deposited.
- D. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining.
- E. Areas where grading or re-grading is necessary.
- F. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, re-vegetation test plots, or channels for surface water diversion, are located.

(2) "Nonmetallic mine site" does not include any of the following areas:

- A. Those portions of sites listed in par. (a) not used for nonmetallic mining or purposes related to nonmetallic mining after August 1, 2001.
- B. Separate, previously mined areas that are not used for nonmetallic mineral extraction after August 1, 2001 and are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads.
- C. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiles of materials used for an industrial process unrelated to nonmetallic mining.
- D. Areas no longer being actively mined after August 1, 2001 but are still carrying out related non-metallic mining process as cited in sec. 18-17, and uses materials mined from a different site.

(q) "Operator" means any person who is engaged in, or who has applied for a permit to engage in, nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

(r) "Registered geologist" means a person who is registered as a professional geologist pursuant to §§ 443.037 and 443.09, Stats.

(s) "Registered professional engineer" means a person who is registered as a professional engineer pursuant to §§ 443.04 and 443.09, Stats.

(t) "Regulatory authority" means the following:

(1) Calumet County or its authorized Administering Agency for nonmetallic mine sites located within Calumet County's jurisdiction, or

(2) A municipality in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance,

(u) "Replacement of topsoil" means the replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic mining reclamation for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post-mining land use and as required by the reclamation plan approved pursuant to this chapter.

(v) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Chapter 283, Stats., or source material, special nuclear material or by-product material, as defined in § 254.31 (1), Stats.

(w) "Topsoil" means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability and other attributes necessary to meet the success standards approved in the reclamation plan.

(x) "Topsoil substitute material" means soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.

(y) "Un-reclaimed acre" or "Un-reclaimed acres" means those un-reclaimed areas in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under sec. 18-34. "Un-reclaimed acre" or "un-reclaimed acres" does not include:

(1) Those areas where reclamation has been completed and certified as reclaimed under sec. 18-34.

(2) Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.

(3) Those portions of nonmetallic mining sites which are included in an nonmetallic mining reclamation plan approved pursuant to this chapter but are not yet affected by nonmetallic mining.

(4) Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.

(5) For purposes of fees under sec. 18-31, those areas within a nonmetallic mining site which Calumet County or its Administering Agency has determined to have been successfully reclaimed on an interim basis in accordance with sec. 18-34.

18-15. Standards. All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained below.

(a) GENERAL STANDARDS for non-metallic mining site reclamation shall be as follows:

(1) REFUSE AND OTHER SOLID WASTES. Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the Wisconsin Department of Natural Resources adopted pursuant to §§ 289 and 291, Stats.

(2) AREA DISTURBED AND CONTEMPORANEOUS RECLAMATION. Nonmetallic mining reclamation shall be conducted in phases, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for nonmetallic mining reclamation of portions of the nonmetallic mining site while nonmetallic mining continues on other portions of the nonmetallic mining site.

(3) PUBLIC HEALTH, SAFETY AND WELFARE. All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

(4) HABITAT RESTORATION. When the land use required by the reclamation plan approved pursuant to this chapter requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition equivalent to, or better than, that which existed before the lands were affected by nonmetallic mining operations.

(5) COMPLIANCE WITH ENVIRONMENTAL REGULATIONS. Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning and land use control.

Note to Reader: Other applicable environmental, zoning or land use regulations may include Chapters NR 103, 115, 116, 117, 205, 216, 269, 105, 106, 140, 150, 340, 500-590, and 812, Wisconsin Administrative Code, §§ 30 and 91, Stats., and Section 404 of the Clean Water Act (33 USC s. 1344), which may be applicable to all or part of either an existing or proposed nonmetallic mining project, so long as they do not require or directly regulate the reclamation of nonmetallic mining sites as addressed under Subchapter I of Chapter 295, Stats .

(b) SURFACE WATER AND WETLANDS PROTECTION. Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with the Wisconsin Department of Natural Resources' water quality standards for surface waters and wetlands contained in Chapters NR 102 to NR 105, Wisconsin Administrative Code. Before disturbing the surface of a nonmetallic mining site and removing topsoil, all necessary measures for erosion control, diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this chapter. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties. Standards for the review of this section may be based on methods contained in the WDNR publication entitled "Wisconsin Construction Site Best Management Practice Handbook"

(c) GROUNDWATER PROTECTION standards shall be as follows:

(1) GROUNDWATER QUANTITY. A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.

(2) GROUNDWATER QUALITY. Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Chapter NR 140, Wisconsin Administrative Code to be exceeded at a point of standards application defined in that chapter.

(d) TOPSOIL MANAGEMENT standards shall be as follows:

(1) REMOVAL. Topsoil and topsoil substitute material shall be removed, protected and redistributed to support reclamation and site stabilization. Topsoil shall be managed as specified in the reclamation plan approved pursuant to this chapter in order to achieve reclamation to the approved post-mining land use. Topsoil and topsoil substitute material removal shall be performed, as required by the reclamation plan, prior to any mining activity associated with any specific phase of the mining operation.

(2) VOLUME. The operator shall obtain the volume of soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this chapter.

Note to Reader: Existing resources that may be used to identify the soil present on a site include the County Soil Surveys and information obtained from a soil scientist or the County Extension Agent or other available resources. Topsoil or topsoil substitute material shall be removed from areas to be affected by mining operations to the depth indicated in the reclamation plan or as determined in the field by a soil scientist, project engineer or other qualified professional.

(3) STORAGE. Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this chapter, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbance or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.

(e) FINAL GRADING AND SLOPE standards shall be as follows:

(1) All areas affected by mining shall be graded in accordance with the reclamation plan approved pursuant to this chapter to achieve a stable and safe condition consistent with the post mining land use. The reclamation plan may designate areas such as stable slopes and rock faces which do not require final grading.

(2) Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless alternative requirements are approved under s. 18-22, and stable slopes can be demonstrated based on site-specific engineering analysis. The engineering analysis shall show that a minimum acceptable slope stability factor is attainable at a steeper slope and that the post-mining land use specified in the reclamation plan is not adversely affected. When the slope occurs at the edge of a body of water, this approved slope shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.

Note to Reader: Exposed vertical, or nearly vertical, rock faces which are stable and integrated into the overall reclamation plan for the purposes of habitat, aesthetics, or other reason may be acceptable; however, the operator will need to have these approved as an "alternative requirement" (s. 18-22).

(3) All areas in the nonmetallic mine site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.

(f) **TOPSOIL REDISTRIBUTION FOR RECLAMATION.** Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this chapter in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable or impractical. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.

(g) **REVEGETATION AND SITE STABILIZATION.** Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this chapter, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by re-vegetation or other means. Re-vegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.

(h) **ASSESSING COMPLETION OF SUCCESSFUL RECLAMATION** shall be complete using the following standards:

(1) The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this chapter. Criteria to evaluate reclamation success shall be quantifiable.

(2) Compliance with the re-vegetation success standards in the approved reclamation plan shall be determined by:

- a. On-site inspections by Calumet County or its Administering Agency;
- b. Reports presenting results obtained during reclamation evaluations including summarized data on re-vegetation, photo-documentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met; or
- c. A combination of inspections and reports.

(3) In those cases where the post mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.

(4) Re-vegetation success may be determined by:

- a. Comparison to an appropriate reference area;
- b. Comparison to baseline data acquired at the mining site prior to its being affected by mining; or
- c. Comparison to an approved alternate technical standard.

d. The re-vegetated area must be in a viable growing condition for at least one growing season in order to be considered as reclaimed.

(5) Re-vegetation using a variety of plants indigenous to the area is favored.

(i) INTERMITTENT MINING. Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to s. 18-18 is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed.

(j) MAINTENANCE. During the period of the site reclamation, after the operator has stated that reclamation is complete but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this subchapter, or to meet the goals specified in the reclamation plan approved pursuant to this chapter.

18-16. Nonmetallic Mining Reclamation Permit Application.

(a) Required Submittal. All operators of nonmetallic mining sites that operate on or after August 1, 2001 shall apply for a reclamation permit from the Administering Agency. All applications for reclamation permits under this section shall include, but is not limited to, the following information:

- (1) A brief description of the general location and nature of the nonmetallic mine.
- (2) A legal description of the property on which the nonmetallic mine is located or proposed, including the parcel identification number.
- (3) The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.
- (4) The name, address and telephone number of the person or organization who is the operator.
- (5) A certification by the operator of his or her intent to comply with the statewide nonmetallic mining reclamation standards established by sec. 18-15, et al.
- (6) Other information as deemed necessary by the Administering Agency to adequately assess the current site ownership, location, or conditions.

(b) Existing Mines. The operator of any existing nonmetallic mining site in operation on August 1, 2001 may apply for an automatic reclamation permit from the Administering Agency by providing the information set forth below no later than on August 1, 2001 to :

East Central Wisconsin Regional Planning Commission
c/o NR-135 Coordinator
132 Main Street
Menasha, WI 54952

- (1) The information required by sec. 18-16.
- (2) The first year's annual fee, as required by sec. 18-31.

(3) A certification signed by the operator that he or she will provide the Administering Agency with a complete reclamation plan required by sec. 18-17 and financial assurance required by sec. 18-18 within 3 years after the date of submittal of the automatic reclamation permit application.

(c) New Mines. The operator of any nonmetallic mine site that engages in or plans to engage in nonmetallic mining that will begin operations after August 1st, 2001 or which has not applied for an automatic reclamation permit pursuant to sec. 18-16 shall submit an application that meets the requirements specified below to:

East Central Wisconsin Regional Planning Commission
c/o NR-135 Coordinator
132 Main Street
Menasha, WI 54952

prior to beginning operations. This application shall be accompanied by a plan review fee as specified in sec. 18-22.

- (1) The information required by sec. 18-16.
- (2) The plan review and annual fees required by secs. 18-30 and 18-31 .
- (3) A reclamation plan conforming to sec. 18-17.
- (4) A certification that the operator will provide, as a condition of the reclamation permit, provide financial assurance as required by sec. 18-18 upon granting of the reclamation permit and before mining begins.
- (5) To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

18-17. Reclamation Plan.

(a) Reclamation Plan Requirements. All operators of nonmetallic mining sites subject to this chapter shall prepare and submit a reclamation plan that meets the following requirements.

(1) **PLAN REQUIRED.** An operator who conducts or plans to conduct nonmetallic mining on or after August 1st, 2001 shall submit to the Administering Agency a reclamation plan that meets the requirements of this section and complies with the standards of sec. 18-15, et al. To avoid duplication, the reclamation plan may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

(2) **SITE INFORMATION.** The reclamation plan shall include information sufficient to describe the existing natural and physical conditions of the site, including, but not limited to:

(a) Maps of the nonmetallic mining site including the general location, property boundaries, the aerial extent, geologic composition and depth of the nonmetallic mineral deposit, the distribution, thickness and type of topsoil, the approximate elevation of ground water, the location of surface waters and the existing drainage patterns.

- (b) Information available to the mine operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mine sites.
- (c) Existing topography as shown on contour maps of the site at four foot intervals and are based on U.S.G.S. elevations.
- (d) Location of manmade features on or near the site.
- (e) Other suitable benchmarks locations as required to determine areal extent of site activities or uses.
- (f) For existing mines, a plan view drawing showing the location and extent of land previously affected by nonmetallic mining, including the location of stockpiles, wash ponds and sediment basins.
- (g) Other information as deemed necessary by the Administering Agency to adequately assess the current site ownership, location, or conditions.

Note to Reader: Some of or all of the information required above may be shown on the same submittal, i.e. the site map required by par. (a) may also show topography required by par. (c). Topsoil or topsoil substitute material required to support re-vegetation needed for reclaiming the site to approved post-mining land use can be identified using soil surveys or other available information.

(3) POST-MINING LAND USE.

- (a) The reclamation plan shall specify a proposed post-mining land use for the nonmetallic mine site. The proposed post-mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless a change to the land use plan or zoning is proposed and approved. The proposed post-mining land use shall also be consistent with all applicable local, state, or federal laws in effect at the time the plan is submitted.

Note to Reader: A proposed post-mining land use is necessary to determine the type and degree of reclamation needed to correspond with that land use. The post mining land use will be key in determining the reclamation plan. Final slopes, drainage patterns, site hydrology, seed mixes and the degree of removal of mining-related structures, drainage structures, and sediment control structures will be dictated by the approved post-mining land use.

- (b) Land used for nonmetallic mineral extraction in areas zoned under an exclusive agricultural use ordinance pursuant to § 91.75, Stats., shall be restored to agricultural use.

Note to Reader: Section 91.75(9), Stats., contains this requirement. Section 91.01(1), Stats., defines the term "agricultural use".

- (4) RECLAMATION MEASURES. The reclamation plan shall include a description of the proposed reclamation, including methods and procedures to be used and a proposed schedule and sequence for the completion of reclamation activities for various stages of reclamation of the nonmetallic mining site. The following shall be included:

- (a) A description of the proposed earthwork and reclamation, including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures.
- (b) The methods of topsoil or topsoil substitute material removal, storage, stabilization and conservation that will be used during reclamation.
- (c) A plan or map which shows anticipated topography of the reclaimed site and any water impoundments or artificial lakes needed to support the anticipated future land use of the site.
- (d) A plan or map which shows surface structures, roads and related facilities after the cessation of mining.
- (e) The estimated cost of reclamation for each stage of the project or the entire site if reclamation staging is not planned.
- (f) A re-vegetation plan, which shall include timing and methods of seed bed preparation, rates and kinds of soil amendments, seed application timing, methods and rates, mulching, netting and any other techniques needed to accomplish soil and slope stabilization.
- (g) Quantifiable standards for re-vegetation adequate to show that a sustainable stand of vegetation has been established which would support the approved post-mining land use. Standards for re-vegetation may be based on the percent vegetative cover, productivity, plant density, diversity or other applicable measures.
- (h) A plan and, if necessary, a narrative showing erosion control measures to be employed during reclamation activities. These shall address how reclamation activities will be conducted to minimize erosion and pollution of surface and groundwater.
- (i) A description of any areas, which will be reclaimed on an interim basis sufficient to qualify for the waiver of fees pursuant to sec. 18-24 and release of financial assurance pursuant to sec. 18-33, and which will be subsequently disturbed prior to final reclamation. Descriptions shall include an identification of the proposed areas involved, methods of reclamation to comply with the standards in sec. 18-15, et al. and timing of interim and final reclamation.

Note: Some of the information required by this subsection may be combined to avoid duplication, e.g. a single map may show anticipated post-mining topography required by par. (c) as well as structures and roads as required by par. (d).

(5) The reclamation plan shall contain criteria for assuring successful reclamation in accordance sec. 18-15.

(6) CERTIFICATION OF RECLAMATION PLAN.

- (a) The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. The landowner and lessee, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation, except as provided in par. (b).

(b) For the following situations, the landowner and lessee, if different from the mine operator, are not required to submit a written certification in accordance with par. (a). The operator shall provide written evidence that the landowner and lessee, if different from the operator, have been provided with a written copy of the reclamation plan, and that:

1. The mine operator has submitted a reclamation plan for an existing mine in accordance with sec. 18-16, or
2. The operator has submitted a reclamation plan for a new or reopened mine in accordance sec. 18-16 which is located on land for which a lease agreement or memorandum of lease between the landowner and applicant was recorded prior August 1st, 2001.

(7) APPROVAL. The operator shall keep a copy of the reclamation plan required by this section, once approved by the Administering Agency under this chapter, at the mine site or, if not practicable, at the operator's nearest office or place of business.

(b) Existing Mines. The operator of any nonmetallic mining site that submits an automatic permit application in conformance with sec. 18-16 shall submit the reclamation plan required by sec. 18-17 within 3 years after the submittal of the automatic permit application. The exact date for reclamation plan submittal shall be determined by the Administering Agency at the time of automatic permit issuance.

(c) New Mines. The operator of any nonmetallic mining site not in operation prior to August 1, 2001 that applies for a permit in conformance with sec. 18-16 shall submit the reclamation plan required by sub. 18-17 with its application for a reclamation permit.

(d) Existing Plans and Approvals. To avoid duplication of effort, the reclamation plan required by sec. 18-17 may, by reference, incorporate existing plans or materials that meet the requirements of this chapter. Previous approvals for nonmetallic mining sites in operation on August 1st, 2001 shall satisfy the requirements of sec. 18-17 if they meet the following requirements:

- (1) The document has been approved by a county or municipality; and
- (2) The Administering Agency finds that the document designates a post-mining land use and describes reclamation measures that meet the reclamation standards of this chapter.

(e) Approval of Reclamation Plan. The Administering Agency shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing in accordance with sec. 18-20 for existing mines and sec. 18-20 for mines that apply for a reclamation permit in conformance with sec. 18-16. Conditional approvals of reclamation plans shall be made according to sec. 18-20 and denials of reclamation plans shall be made pursuant to sec. 18-21. The operator shall keep a copy of the reclamation plan approved under this subsection at the mine site or, if not practicable, at the operator's nearest place of business.

18-18 Financial Assurance.

(a) Financial Assurance Requirements. All operators of nonmetallic mining sites in Calumet County shall prepare and submit a proof of financial assurance that meets the following requirements:

(1) NOTIFICATION. The Administering Agency shall provide written notification to the operator of the amount of financial assurance required under sub. (3).

(2) FILING. Following approval of the nonmetallic mining reclamation permit, and as a condition of the permit, the operator shall file a financial assurance within Calumet County and payable exclusively to the Administering Agency. The financial assurance shall provide that the operator shall faithfully perform all requirements in this chapter, an applicable reclamation ordinance and the reclamation plan. In cases where one or more other regulatory authorities regulate a nonmetallic mining site, all financial assurance shall be made payable to the Administering Agency only if it currently has primary regulatory responsibility.

(3) AMOUNT AND DURATION OF FINANCIAL ASSURANCE. The amount of financial assurance shall equal as closely as possible the cost to the Administering Agency of hiring a contractor to complete either final reclamation or progressive reclamation according to the approved reclamation plan. The amount of financial assurance shall be reviewed periodically by the Administering Agency to assure it equals outstanding reclamation costs. Any financial assurance filed with the Administering Agency shall be in an amount equal to the estimated cost for reclaiming all sites the operator has under project permits. The Administering Agency may accept a lesser initial amount of financial assurance provided that the permittee initiates a process to continuously increase the amount of financial assurance until it is adequate to effect reclamation. An escrow account may be established that is based on production gross sales and serves to provide regular payments to an account that is designed to grow to the amount necessary to guarantee performance of reclamation by the expected time of final reclamation. The period of the financial assurance is dictated by the period of time required to establish the post mining land use declared and approved of in the reclamation plan. This may extend beyond the permit if required to accomplish successful and complete implementation of the reclamation plan.

(4) FORM AND MANAGEMENT. Financial assurance shall be provided by the operator and shall be by a bond or an alternate financial assurance. Financial assurance shall be payable to the Administering Agency and released upon successful completion of the reclamation measures specified in the reclamation plan. Alternate financial assurances may include, but are not limited to cash, certificates of deposits, irrevocable letters of credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities. Any interest from the financial assurance shall be paid to the operator. Certificates of deposit shall be automatically renewable or other assurances shall be provided before the maturity date. Financial assurance arrangements may include, at the discretion of the Administering Agency, a blend of different options for financial assurance including a lien on the property on which the nonmetallic mining site occurs or a combination of financial assurance methods.

(5) MULTIPLE PROJECTS. Any operator who obtains a permit from the Administering Agency for 2 or more nonmetallic mining sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance instruments for each nonmetallic mining site. When an operator elects to post a single financial assurance in lieu of separate financial assurances for each mining site, no financial assurances previously posted on individual mining sites shall be released until the new financial assurance has been accepted by the Administering Agency.

(6) MULTIPLE JURISDICTIONS. In cases where more than one regulatory authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities to avoid requiring the permittee to prove financial assurance with more

than one regulatory authority for the same nonmetallic mining site. Financial assurance is required for each site and two or more sites of less than one acre by the same operator, except that governmental units are not required to obtain financial assurance.

(7) CERTIFICATION OF COMPLETION AND RELEASE.

(a) The operator shall notify the Administering Agency, by filing a notice of completion, at the time that he or she determines that reclamation of any portion of the mining site or the entire site is complete. The Administering Agency shall inspect the mine site or portion thereof that was the subject of the notice of completion to determine if reclamation has been carried out in accordance with the approved reclamation plan. Administering Agency may partially release the financial assurance if it determines that compliance with a portion of the reclamation plan has been achieved and requires no waiting period. After determining that reclamation is complete the Administering Agency shall issue a certificate of completion and shall release the financial assurance or appropriately reduce the financial assurance in the case of reclamation of a portion of the mining site.

(b) The Administering Agency shall make a determination of whether or not the certification in par. (a) can be made within 60 days that the request is received.

(c) The Administering Agency may make a determination under this subsection that:

1. Reclamation is not yet complete;
2. It is not possible to assess whether reclamation is complete due to weather conditions, snow cover or other relevant factors;
3. Reclamation is complete in a part of the mine; or
4. Reclamation is fully complete.

(8) FORFEITURE. Financial assurance shall be forfeited if any of the following occur:

(a) A permit is revoked under sec. 18-28 and the appeals process has been completed.

(b) An operator ceases mining operations and fails to reclaim the site in accordance with the reclamation plan.

(9) CANCELLATION. Financial assurance shall provide that it may not be canceled by the surety or other holder or issuer except after not less than a 90 day notice to the Administering Agency in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator shall deliver to the Administering Agency a replacement proof of financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect.

(10) CHANGING METHODS OF FINANCIAL ASSURANCE. The operator of a nonmetallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to sec. 18-16. The operator shall give the Administering Agency at least 60 days notice prior to changing methods of financial assurance and may not actually change methods without the written approval of the Administering Agency.

(11) **BANKRUPTCY NOTIFICATION.** The operator of a nonmetallic mining site shall notify the Administering Agency by certified mail of the commencement of voluntary or involuntary proceeding under bankruptcy code, 11 USC, et seq., naming the operator as debtor, within 10 days of commencement of the proceeding.

(12) **ADJUSTMENT OF FINANCIAL ASSURANCE.** Financial assurance may be adjusted when required by the Administering Agency. The Administering Agency may notify the operator in writing that adjustment is necessary and the reasons for it. The Administering Agency may adjust financial assurance based upon prevailing or projected interest or inflation rates, or the latest cost estimates for reclamation.

(13) **NET WORTH TEST.**

(a) Only an operator that meets the definition of “company” in § 289.41 (1) (b), Stats., may use the net worth method of providing financial assurance.

(b) The operator shall submit information to the Administering Agency in satisfaction of the net worth test requirements of § 289.41 (4), Stats. The criteria in §§ 289.41 (6) (b), (d), (e), (f), (g), (h) and (i), Stats., shall apply.

(c) An operator using the net worth test to provide financial assurance for more than one mine shall use the total cost of compliance for all mines in determining the net worth to reclamation cost ratio in accordance with § 289.41 (6), Stats.

(d) Determinations under the net worth test shall be done in accordance with § 289.41 (5), Stats.

(e) In addition, the operator shall submit a legally binding commitment to faithfully perform all compliance and reclamation work at the mine site that is required under this chapter.

(b) **Existing Mines.** The operator of any nonmetallic mining site that submits an automatic permit application in conformance with sec. 18-16 shall submit the financial assurance required by sec. 18-18 no less than 15 days prior to reclamation plan consideration by the Administering Agency.

(c) **New Mines.** The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with sec. 18-16 shall submit the proof of financial assurance required by sec. 18-18 as specified in the reclamation permit issued to it under this chapter.

(d) **Public Nonmetallic Mining.** The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

15. Public Notice and Right of Hearing.

(a) **New Mines.** The Administering Agency shall, except as provided in sec. 18-19, provide public notice and the opportunity for a public informational hearing as set forth below:

(1) **PUBLIC NOTICE.** Except as provided in sub. (3) for existing mines, when the Administering Agency receives a complete application that satisfies sec. 18-16 to issue a reclamation permit, it shall publish a public notice of the application no later than 30 days after receipt of the application.

(a) The notice shall briefly describe the mining and reclamation planned at the nonmetallic mining site. The notice shall be published as a class 2 notice pursuant to § 985.07(2), Stats., in the official newspaper of Calumet County. The notice shall mention the opportunity for public hearing pursuant to this section and shall give the locations at which the public may review the application and all supporting materials including the reclamation plan.

(b) Copies of the notice shall be forwarded by the Administering Agency to the county or applicable local zoning board, the county and applicable local planning organization, the county land conservation officer, the clerk of the municipality, and owners of land within 500 feet of the boundaries of the parcel or parcels of land on which the site is located.

(2) HEARING. Except as provided in sub. (3) for existing mines, and for exempted activities under Section 18-13 the Administering Agency shall provide for an opportunity for a public informational hearing on an application or request to issue a nonmetallic mining reclamation permit as follows.

(a) If Calumet County, or other municipality, conducts a zoning-related hearing on the nonmetallic mine site it shall provide the opportunity at this hearing to present testimony on reclamation-related matters. This hearing will be noticed and conducted in a manner consistent with provisions already established by the municipality. This testimony will be forwarded to the Administering Agency for their consideration prior to the issuance of a non-metallic mining reclamation permit. This opportunity shall fulfill the requirement for public hearing for a nonmetallic mining reclamation permit required by this section. The Administering Agency shall consider the reclamation-related testimony in the County's zoning-related hearing in deciding on a permit application pursuant to this chapter.

(b) If there is no opportunity for a zoning-related hearing on the nonmetallic mine site as described in par. (a), opportunity for public hearing required by this section shall be provided as follows. Any person residing within, owning property within, or whose principal place of business is within 500 feet of the boundary of the parcel or parcels of land in which the nonmetallic mining site is located or proposed may request a public informational hearing. The Administering Agency shall hold a public hearing if requested by any of these persons within 30 days of the actual date of public notice under sub. (1). This public informational hearing shall be held no sooner than 30 days nor later than 60 days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation. The hearings shall be conducted according to the following procedures:

1. The Administering Agency's Program Coordinator or other designee will be the Presiding Officer.
2. The Presiding Officer will open the public informational hearing and make a concise statement of its scope and purpose.
3. Any affected person will be given an opportunity to appear and present their view on the subject matter of the informational hearing.
4. Any person desiring to participate, whether on his or her own behalf or in a representative capacity, shall give his or her name and address, the name and address of any person being represented, and the capacity in which he or she is representing such person.

5. Statements should be kept concise and may be submitted in written form (prior to the start of the hearing) or oral form.
6. The Presiding Officer shall determine the order in which people may make statements, the length of statements, and impose other limitations deemed prudent if the statements are unduly repetitious. Clarifying questions of those who speak may be allowed by the Presiding Officer; however, cross-examination of those who speak is not permitted.
7. The subject matter and testimony at this informational hearing shall be limited to reclamation of the nonmetallic mine site.

(b) Existing Mines

- (1) No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued pursuant to sec. 18-20 for an existing mine, except as provided in sub. (3).
- (2) If the Administering Agency accepts a previously approved reclamation plan for that mine as provided in sec. 18-20, no further public notice or informational hearing is required.
- (3) If the Administering Agency requires the submittal of a new reclamation plan, public notice and the opportunity for public informational hearing shall be provided following the receipt of the reclamation plan in accordance sec. 18-19. In this case, the subject matter and testimony at that hearing, if held, shall be limited to the new reclamation plan.

(c) Local Transportation-Related Mines. No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to sec. 18-20.

18-20. Issuance of a Nonmetallic Mining Reclamation Permit.

(a) Permit Required. Every operator of a nonmetallic mining site in Calumet County who engages in or plans to engage in nonmetallic mining after September 1st, 2001 shall obtain a reclamation permit issued under this section, except for nonmetallic mining sites that are exempt from this chapter under sec. 18-13. No person may engage in nonmetallic mining or nonmetallic mining reclamation after September 1st, 2001 without a reclamation permit issued pursuant to this chapter.

(b) Automatic Permit for Existing Mines. The Administering Agency shall issue an automatic reclamation permit to the operator of a nonmetallic mining site that submits an application meeting the requirements of sec. 18-16, according to the following provisions:

- (1) The permit shall be issued within 30 days of such application.
- (2) Existing mines that are granted a reclamation permit pursuant to this subsection shall, within three years from the date of automatic reclamation permit issuance (date to be specified by Administering Agency at time of permit issuance), submit to the Administering Agency the following:
 - (a) A reclamation plan that meets the requirements of s. 18-17; and
 - (b) Financial assurance required pursuant to s. 18-18.

(3) The Administering Agency may grant a reasonable extension to the deadline in sub. (2) when it finds extenuating circumstances exist.

(c) Evaluation of Follow-Up Submittals for Existing Mines. Follow-up submittals required by sec. 18-20 shall be evaluated as set forth below:

(1) The reclamation plan and financial assurance shall meet the requirements of sec. 18-20.

(2) The Administering Agency shall accept, as satisfaction of the requirement for submittal of a reclamation plan pursuant to sec. 18-20, submittal of a previously-completed document that includes plans for reclamation so long as:

(a) The document has been approved by a county or municipality; and

(b) The Administering Agency finds that the document designates a post-mining land use and describes reclamation measures that meet the reclamation standards of this chapter.

(c) If the Administering Agency determines that a document with reclamation plans previously approved meets some, but not all of, the requirements of this chapter, it shall request the supplemental information needed to satisfy the reclamation plan requirements of this section. In that case, the Administering Agency shall determine whether or not to provide public notice and opportunity for public hearing pursuant to sec. 18-19, depending on the nature and extent of the supplemental information.

(3) Within 45 days of receipt of the reclamation plan and evidence of financial assurance as required under sec. 18-20, the Administering Agency shall affirm in writing its decision whether to approve these submittals and continue the nonmetallic mining reclamation permit issued pursuant to sec. 18-20. A reclamation permit with this written affirmation shall satisfy the requirements of this chapter without further action, submittal or approval.

(d) Permit Issuance for New Mines. Applications for reclamation permits for nonmetallic mining sites not in operation on August 1st, 2001 that satisfy s. 18-16 shall be issued a reclamation permit or otherwise acted on as provided below.

(1) Unless denied pursuant to s. 18-21, the Administering Agency shall approve in writing a request that satisfies the requirements of s. 18-16 to issue a nonmetallic mining reclamation permit for a nonmetallic mine where mining has not yet taken place before August 1st, 2001 or an existing nonmetallic mine where mining is not taking place on or after August 1, 2001.

(2) The Administering Agency may not issue an approval without prior or concurrent approval of the reclamation plan that meets the requirements of s. 18-17. The Administering Agency may issue a reclamation permit subject to conditions in sec. 18-20 if appropriate. The permit decision shall be made no sooner than 30 days nor later than 90 days following receipt of the complete reclamation permit application and reclamation plan pursuant to this subchapter, unless a public hearing is held pursuant to s. 18-19. If a public hearing is held, the Administering Agency shall issue the reclamation permit, subject to conditions pursuant to sec. 18-20 if appropriate, or shall deny the permit as provided in s. 18-21, no later than 60 days after completing the public hearing.

(3) Permits issued pursuant to this subsection shall require compliance with a reclamation plan that has been approved and satisfies the requirements of s. 18-17 and provision by the applicant

of financial assurance required under s. 18-18 and payable to The Administering Agency prior to beginning mining.

(e) Automatic Permit for Local Transportation-Related Mines

(1) The Administering Agency shall automatically issue an expedited permit under this subsection to any borrow site that:

- (a) Will be opened and reclaimed under contract with a municipality within a period not exceeding 36 months;
- (b) Is a nonmetallic mine which is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or other transportation facility under contract with the municipality;
- (c) Is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites;
- (d) Is not a commercial source;
- (e) Will be constructed, operated and reclaimed in accordance with applicable zoning requirements, if any and;
- (f) Is not otherwise exempt from the requirements of this chapter under sec. 18-13.

(2) In this subsection, “municipality” has the meaning defined in § 299.01(8), Stats.

(3) Automatic permits shall be issued under this subsection in accordance with the following provisions:

- (a) The applicant shall notify The Administering Agency of the terms and conditions of the contract with respect to reclamation of the proposed borrow site.
- (b) The applicant shall provide evidence to The Administering Agency to show that the borrow site and its reclamation will comply with applicable zoning requirements, if any.
- (c) The Administering Agency shall accept the contractual provisions incorporating requirements of the Wisconsin Department of Transportation in lieu of a reclamation plan under s. 18-17.
- (d) The Administering Agency shall accept the contractual provisions in lieu of the financial assurance requirements in s. 18-18.
- (e) The public notice and hearing provisions of s. 18-19 do not apply to nonmetallic mining sites that are issued automatic permits under this subsection.

Note: Local public notice and hearing requirements, if any, regarding zoning decisions still apply.

- (f) Mines permitted under this subsection shall pay an annual fee to the Administering Agency as provided in s. 18-31, but shall not be subject to the plan review fee provided in s. 18-30.

(g) The Administering Agency shall issue the automatic permit within 7 days of the receipt of a complete application.

(h) If the borrow site is used to concurrently supply materials for other than the local transportation project, the automatic permitting in this subsection still applies provided the site will be reclaimed under a contractual obligation with the municipality in accordance with the Wisconsin Department of Transportation requirements.

(i) Notwithstanding s. 18-29, the operator of a borrow site under this subsection is required to submit only the information in an annual report necessary to identify the borrow site and to determine the applicable annual fee.

Note: A reclamation permit is not required under this chapter for nonmetallic mining sites that are operated to provide materials for construction, maintenance and repair of transportation facilities that are subject to the Wisconsin Department of Transportation concerning restoration of the nonmetallic mining site, as provided by § 295.16(1)(c), Stats.

(f) Expedited Review. Any operator of a nonmetallic mining site as described in s. 18-20 sub (1) may request expedited review of a reclamation permit application under sub. (1) or sub. (2) as follows:

(1) The operator may submit a request for expedited permit review with payment of the expedited review fee specified in s. 18-30. This request shall state the need for such expedited review and the date by which such expedited review is requested.

(2) This request for expedited review shall include a copy of the applicable sections of the contract and the date by which the expedited review is requested.

(3) Following receipt of a request under this subsection The Administering Agency shall inform the applicant of the estimated date for decision on issuance of the permit. If the applicant then elects not to proceed with the expedited review, the fee paid under sub. (1) shall be returned.

(4) Expedited review under this subsection shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to s. 18-19. This subsection does not impose an obligation upon the Administering Agency to act upon a permit application under this subsection by a specific date.

(g) Permit Conditions. Any decision under this section may include conditions as provided below:

(1) The Administering Agency may issue a reclamation permit or approve a reclamation plan subject to general or site-specific conditions if needed to assure compliance with the nonmetallic mining reclamation requirements of this chapter.

(2) One required condition of the issued permit shall be that the new mine obtain financial assurance pursuant to **s. 18-18 prior to beginning mining.**

18-21. Permit Denial. An application for a nonmetallic mining reclamation permit shall be denied as set forth below:

(a) An application to issue a nonmetallic mining reclamation permit shall be denied, within the time frame for permit issuance specified in s. 18-20, if the Administering Agency finds any of the following:

(b) The applicant has, after being given an opportunity to make corrections, failed to provide to the Administering Agency an adequate permit application, reclamation plan, financial assurance or any other submittal required by Chapter NR 135, Wisconsin Administrative Code or this chapter.

(c) The proposed nonmetallic mining site cannot be reclaimed in compliance with the reclamation standards contained in this chapter, Chapter NR 135, Wisconsin Administrative Code or subch. I. of § 295, Stats.

1. The applicant, or its agent, principal or predecessor has, during the course of nonmetallic mining in Wisconsin within 10 years of the permit application or modification request being considered shown a pattern of serious violations of this chapter or of federal, state or local environmental laws related to nonmetallic mining reclamation.

2. The following may be considered in making this determination of a pattern of serious violations:

a. Results of judicial or administrative proceedings involving the operator or its agent, principal or predecessor.

b. Suspensions or revocations of nonmetallic mining reclamation permits pursuant to this chapter, other reclamation ordinances or Chapter NR 135, Wisconsin Administrative Code.

c. Forfeitures of financial assurance.

(d) A denial under this subsection shall be in writing and shall contain documentation of reasons for denial.

(e) A decision to deny an application to issue a reclamation permit may be reviewed under s. 18-26.

18-22. Alternative Requirements.

(a) **Scope of Alternative Requirements Approvable.** An operator of a nonmetallic mining site may request an alternative requirement to the reclamation standard established in s. 18-15. The Administering Agency may approve an alternative requirement to the reclamation standards established in this chapter if the operator demonstrates, and the Calumet County Planning and Zoning Committee finds, that all of the following criteria are met:

(1) The nonmetallic mining site, the surrounding property or the mining plan or reclamation plan has a unique characteristic, which requires an alternative requirement.

(2) Unnecessary hardship, which is peculiar to the nonmetallic mining site or plan, will result unless the alternative requirement is approved. Financial considerations, matters of convenience or preference, and self-imposed hardships shall not be deemed or considered to be “unnecessary hardships”.

(3) Reclamation in accordance with the proposed alternative requirement will achieve the planned post-mining land use and long term site stability in a manner that will not cause environmental pollution or threaten public health, safety or welfare.

(b) Procedures. The operator of a nonmetallic mining site requesting an alternate requirement in sec. 18-22 shall demonstrate all the criteria in sec. 18-22. This shall be submitted in writing to the Administering Agency at the address below:

East Central Wisconsin Regional Planning Commission
c/o: NR-135 Coordinator
132 Main Street
Menasha, WI 54952

(1) A request for an alternative requirement may be incorporated as part of an application to issue or modify a nonmetallic mining reclamation permit.

(2) A public hearing shall be required for any alternative requirement request.

(3) Additional costs for third-party, independent engineering, or other reviews if deemed necessary for an alternative requirement, shall be the responsibility of the applicant.

(c) Review Authority. The decision on a request for alternate reclamation requirements shall be addressed by the Calumet County Planning and Zoning Committee at a regularly scheduled meeting within 60 days of the request.

(d) Public Notice and Right of Hearing. The Administering Agency shall provide public notice and the opportunity for a public informational hearing as set forth below:

(1) PUBLIC NOTICE. When the Administering Agency receives an application for an alternative requirement, it shall publish a public notice of the application no later than 30 days after receipt of a complete application that satisfies sec. 18-22.

(a) The notice shall briefly describe the alternative requirement requested and its relationship to the standards contained in s. 18-15. The notice shall be published as a class 2 notice pursuant to § 985.07(2), Stats., in the official newspaper of Calumet County. The notice shall mention the opportunity for public hearing pursuant to this section and shall give the locations at which the public may review the application and all supporting materials including the reclamation plan.

(b) Copies of the notice shall be forwarded by the Administering Agency to the county or applicable local zoning board, the county and applicable local planning organization, the county land conservation officer, the clerk of the municipality, and owners of land within 500 feet of the boundaries of the parcel or parcels of land on which the site is located.

(2) HEARING. Except as provided in sub. (3) for existing mines the Administering Agency shall provide for an opportunity for a public informational hearing on an application or request to issue a nonmetallic mining reclamation permit as follows.

(a) Any person residing within, owning property within, or whose principal place of business is within 500 feet of the boundary of the parcel or parcels of land in which the nonmetallic mining site is located or proposed may request a public informational hearing.

The Administering Agency shall hold a public hearing if requested by any of these persons within 30 days of the actual date of public notice under sub. (1). This public informational hearing shall be held no sooner than 30 days nor later than 60 days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation. The hearings shall be conducted according to the following procedures:

1. The Administering Agency's Program Coordinator or other designee will be the Presiding Officer.
2. The Presiding Officer will open the public informational hearing and make a concise statement of its scope and purpose.
3. Any affected person will be given an opportunity to appear and present their view on the subject matter of the informational hearing.
4. Any person desiring to participate, whether on his or her own behalf or in a representative capacity, shall give his or her name and address, the name and address of any person being represented, and the capacity in which he or she is representing such person.
5. Statements should be kept concise and may be submitted in written form (prior to the start of the hearing) or oral form.
6. The Presiding Officer shall determine the order in which people may make statements, the length of statements, and impose other limitations deemed prudent if the statements are unduly repetitious. Clarifying questions of those who speak may be allowed by the Presiding Officer; however, cross-examination of those who speak is not permitted.
7. The subject matter and testimony at this informational hearing shall be limited to reclamation of the nonmetallic mine site.

(e) Transmittal of Decision on Request for Alternative Requirement. The decision on a request for alternate reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternate requirement was or was not approved.

(f) Notice to Wisconsin Department of Natural Resources. The Administering Agency shall provide notice to the Wisconsin Department of Natural Resources as set forth in this subsection. Written notice shall be given to the Wisconsin Department of Natural Resources at least 10 days prior to any public hearing held under s. 18-22 sub. (2) on a request for an alternate requirement under this section. A copy of any written decision on alternative requirements shall be submitted to the Wisconsin Department of Natural Resources within 10 days of issuance.

18-23. Permit Duration.

(a) A nonmetallic mining reclamation permit issued under this chapter shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to sec. 18-36.

(b) If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee

pursuant to s. 20.

18-24. Permit Transfer. A nonmetallic mining reclamation permit issued under this chapter shall be transferred to a new owner or operator upon satisfaction of the following conditions:

- (a) A nonmetallic mining reclamation permit may be transferred to a new operator upon submittal to the Administering Agency adequate proof of site ownership, financial assurance, and a certification in writing by the new permit holder that all conditions of the permit will be complied with;
- (b) Submission of the appropriate fee per Schedule A of this Ordinance.
- (c) The transfer is not valid until financial assurance has been submitted by the new operator and accepted by Administering Agency and the Administering Agency makes a written finding that all conditions of the permit will be complied with. The previous operator shall maintain financial assurance until the new operator has received approval and provided the financial assurance under this section.

18-25. Previously Permitted Sites. For any nonmetallic mining site which had a reclamation permit previously issued by another regulatory authority pursuant to Chapter NR 135, Wisconsin Administrative Code that becomes subject to reclamation permitting authority of Calumet County and/or its Administering Agency, the terms and conditions of the previously-issued municipal reclamation permit shall remain in force until modified by Calumet County or its Administering Agency sec. 18-27.

18-26. Review. Any permitting decision or action made by Calumet County or its Administering Agency under this chapter may be reviewed as set forth in this section. Notwithstanding §§ 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats., any person who meets the requirements of § 227.42 (1), Stats., may obtain a contested case hearing under § 68.11, Stats., on Calumet County's or the Administering Agency's decision to issue, deny or modify a nonmetallic mining reclamation permit.

18-27. Permit Modification.

(a) By the Administering Agency. A nonmetallic mining reclamation permit issued under this chapter may be modified by the Administering Agency if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter. Such modification shall be by an order modifying the permit in accordance with s. 18-36. This modifying order may require the operator to amend or submit new application information, reclamation plan, proof of financial assurance or other information needed to ensure compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter.

(1) The operator shall not pay a separate fee for modifications initiated or required by Calumet County or its Administering Agency.

(b) At the Operator's Option. If operator of any nonmetallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to the Administering Agency. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter in effect at the time of the request.

(1) The operator shall pay the fee as outlined in Schedule A for any requested permit modifications at the time of the request.

(c) Required by the Operator. The operator of any nonmetallic mine that holds a reclamation permit issued under this chapter shall request a modification of such permit if changes occur to the area to be mined, the nature of the planned reclamation, or other aspects of mining required by the reclamation plan approved pursuant to this chapter. Such application for permit modification shall be acted on using the standards and procedures of this chapter.

(1) The operator shall pay the fee as outlined in Schedule A for any requested permit modifications at the time of the request.

(d) Public Notice Hearing Requirements

(1) A public hearing shall be required for any substantial permit modification, which is requested by the operator.

(2) PUBLIC NOTICE. When the Administering Agency receives an application for an alternative requirement, it shall publish a public notice of the application no later than 30 days after receipt of a complete application that satisfies sec. 18-22.

(a) The notice shall briefly describe the permit modification requested and its relationship to the standards contained in s. 18-15. The notice shall be published as a class 2 notice pursuant to § 985.07(2), Stats., in the official newspaper of Calumet County. The notice shall mention the opportunity for public hearing pursuant to this section and shall give the locations at which the public may review the application and all supporting materials including the reclamation plan.

(b) Copies of the notice shall be forwarded by the Administering Agency to the county or applicable local zoning board, the county and applicable local planning organization, the county land conservation officer, the clerk of the municipality, and owners of land within 500 feet of the boundaries of the parcel or parcels of land on which the site is located.

(3) HEARING. The Administering Agency shall provide for an opportunity for a public informational hearing on an application or request to issue a nonmetallic mining reclamation permit as follows.

(a) Any person residing within, owning property within, or whose principal place of business is within 500 feet of the boundary of the parcel or parcels of land in which the nonmetallic mining site is located or proposed may request a public informational hearing. The Administering Agency shall hold a public hearing if requested by any of these persons within 30 days of the actual date of public notice under sub. (1). This public informational hearing shall be held no sooner than 30 days nor later than 60 days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation. The hearings shall be conducted according to the following procedures:

1. The Administering Agency's Program Coordinator or other designee will be the Presiding Officer.
2. The Presiding Officer will open the public informational hearing and make a concise statement of its scope and purpose.

3. Any affected person will be given an opportunity to appear and present their view on the subject matter of the informational hearing.
4. Any person desiring to participate, whether on his or her own behalf or in a representative capacity, shall give his or her name and address, the name and address of any person being represented, and the capacity in which he or she is representing such person.
5. Statements should be kept concise and may be submitted in written form (prior to the start of the hearing) or oral form.
6. The Presiding Officer shall determine the order in which people may make statements, the length of statements, and impose other limitations deemed prudent if the statements are unduly repetitious. Clarifying questions of those who speak may be allowed by the Presiding Officer; however, cross-examination of those who speak is not permitted.
7. The subject matter and testimony at this informational hearing shall be limited to reclamation of the nonmetallic mine site.

(e) Review. All actions by Calumet County or its Administering Agency on permit modifications requested or initiated under this section are subject to review under s. 18-26.

18-28. Permit Suspension and Revocation

(a) Grounds. The Administering Agency may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if it finds the operator has done any of the following:

- (1) Failed to submit a satisfactory reclamation plan within the time frames specified in this chapter.
- (2) Failed to submit or maintain financial assurance as required by this chapter.
- (3) Failed on a repetitive and significant basis to follow the approved reclamation plan.

(b) Procedures. If the Administering Agency finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in sec. 18-28, it may issue a special order suspending or revoking such permit as set forth in sec. 18-36.

(c) Consequences.

(1) If the Administering Agency makes any of the findings in sec. 18-28, it may suspend a nonmetallic mining reclamation permit for up to 30 days. During the time of suspension, the operator may not conduct nonmetallic mining at the site, except for reclamation or measures to protect human health and the environment as ordered by the regulatory authority pursuant to s. 18-36.

(2) If the Administering Agency makes any of the findings in sec. 18-28, it may revoke a nonmetallic mining reclamation permit. Upon permit revocation, the operator shall forfeit the financial assurance it has provided pursuant to this chapter to the Administering Agency. The Administering Agency shall use forfeited financial assurance to reclaim the site to the extent needed to comply with this chapter and the applicable reclamation ordinance.

18-29. Annual Operators Reporting.

(a) Contents and Deadline. Annual reports that satisfy the requirements of this section shall be submitted by the operators of nonmetallic mining sites.

(1) CONTENTS. The annual report required by this section shall include all of the following:

(a) The name and mailing address of the operator.

(b) The location of the nonmetallic mining site, including legal description, tax key number or parcel identification number if available.

(c) The identification number of the applicable nonmetallic mining permit, if assigned by Calumet County or the local unit of government. If no number exists, the Administering Agency will supply one at the time of submittal.

(d) The acreage currently affected by nonmetallic mining extraction and not yet reclaimed.

(e) The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.

(f) A plan, map or diagram accurately showing the acreage described in pars. (d) and (e).

(g) The following certification, signed by the operator:

"I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mining reclamation permit and Chapter NR 135, Wisconsin Administrative Code."

(h) Any other information deemed necessary by Calumet County or its Administering Agency to adequately assess the current site conditions of the non-metallic mining site.

(2) DEADLINE. The annual report shall cover activities for a calendar year and be submitted within 60 days following the end of the year.

(3) WHEN REPORTING MAY END. Annual reports shall be submitted by an operator for all active and intermittent mining sites to the Administering Agency for each calendar year until nonmetallic mining reclamation at the site is certified as complete pursuant to sec. 18-33 or at the time of release of financial assurance pursuant to sec. 18-18.

(b) Inspection in Lieu of Report. The Administering Agency may, at its discretion, obtain the information required in sec. 18-29 for a calendar year by written documentation of an inspection it completes during a calendar year, as set forth in this subsection. If the Administering Agency obtains and documents the required information, the annual report need not be submitted by the operator. If the Administering Agency determines that the operator need not submit an annual report pursuant to this subsection, it shall advise the operator in writing at least 30 days before the end of the applicable calendar year. In that case, the Administering Agency shall require the operator to submit the certification required in sec. 18-29.

(c) Retention of Annual Reports. Annual reports submitted under sec. 18-29 or inspection records that replace them under sec. 18-29 shall be retained by the Administering Agency at 132 Main Street, Menasha, Wisconsin, for at least 10 years after the calendar year to which they apply. These records, or complete and accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities carried out pursuant to Chapter NR 135, Wisconsin Administrative Code.

18-30. Plan Review Fees.

(a) Amount and Applicability. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under sec. 18-16 shall submit a non-refundable plan review fee as listed in Schedule A of this ordinance to the Administering Agency at the address below:

East Central Wisconsin Regional Planning Commission
c/o: NR-135 Coordinator
132 Main Street, Menasha, Wisconsin, 54952

No plan review fee may be assessed under this section for any existing nonmetallic mine site for which an application for an automatic reclamation permit is submitted that meets the requirements of sec. 18-16 or for any local transportation-related mining receiving an automatic permit under sec. 18-20. A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to s. 18-27.

(b) Expedited Plan Review Fee. A person who intends to operate a nonmetallic mining site for which an expedited permit application has been submitted under sec. 18-20 may obtain expedited reclamation plan review by paying a fee as indicated in Schedule A of this ordinance.

(c) Relation to Annual Fee. Any reclamation plan review fee or expedited reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under s. 18-31.

18-31. Annual Fees.

(a) Areas Subject to Fees, Procedures and Deadline. (1) Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter shall pay annual fees as listed in Schedule A of this ordinance to the Administering Agency at the address below:

East Central Wisconsin Regional Planning Commission
c/o: NR-135 Coordinator
132 Main Street, Menasha, Wisconsin, 54952

(1) Fees paid under this section shall include both a share for the Wisconsin Department of Natural Resources under sec. 18-31 and a share for the Administering Agency under sec. 18-31 that equals as closely as possible the costs of examination and approval of nonmetallic mining reclamation plans and the inspection of nonmetallic mining sites.

(2) Fees paid under this section shall be calculated based on the un-reclaimed acres of a nonmetallic mining site, as defined below:

(a) "Un-reclaimed acre" or "un-reclaimed acres" means those un-reclaimed areas in which nonmetallic mining has occurred after August 1st, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under sec. 18-18. However the term does not include any areas described in par. (b).

(b) "Un-reclaimed acre" or "un-reclaimed acres" does not include:

1. Those areas where reclamation has been completed and certified as reclaimed under sec. 18-18(7).
2. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1st, 2001.
3. Those portions of nonmetallic mining sites which are included in an approved nonmetallic mining reclamation plan but are not yet affected by nonmetallic mining.
4. Areas previously mined but used after August 1st, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.
5. Those areas within a nonmetallic mining site which the Administering Agency has determined to have been successfully reclaimed on an interim basis in accordance with sec. 18-33.
6. Those areas defined as not included in a nonmetallic mining site under sec. 18-14.

(3) Fees assessed pursuant to this section shall be based on un-reclaimed acres at the end of the year. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under s. 18-33. Fees shall be paid no later than December 31 for the subsequent year .

(a) The first year's annual fee for new or re-opened mines shall be pro-rated based on the number of months left in the year at the time of application submittal.

(4) For new or reopened mines that submit a reclamation permit application under sec. 18-16, the first year's annual fee shall be based upon the un-reclaimed acres which are anticipated at the end of that calendar year.

(b) The first year's annual fee for new or re-opened mines shall be pro-rated based on the number of months left in the year at the time of application submittal.

(5) If reclamation has already occurred on portions of a nonmetallic mining site, the fees for such portions may be submitted with a request that they be held by the Administering Agency pending certification of completed reclamation pursuant to sec. 18-18. Upon such certification the Administering Agency shall refund that portion of the annual fee that applies to the reclaimed areas. If the Administering Agency fails to make a determination under sec. 18-18 within 60 days of the request, it shall refund that portion of the annual fee that applies to the reclaimed areas.

(b) Wisconsin Department of Natural Resources Share of Fee.

(1) Fees paid under this section shall, except where provided in sub. (2), include a share for the Wisconsin Department of Natural Resources equal to the amount specified in Schedule A.

(2) Calumet County or its Administering Agency shall forward fees collected under this subsection to the Wisconsin Department of Natural Resources by March 31st of the year for which they were collected.

(c) Administering Agency's Share of Fee. Fees paid under this section shall also include an annual fee, based on un-reclaimed acreage, due to the Administering Agency and are illustrated in Schedule A but shall not exceed those fees listed in NR-135 for such sites

(d) Documentation of Administering Agency's Share of Fee. The County, or its Administering Agency, shall document in writing its estimated program costs and the need for fee established in sec. 18-31 on or before the effective date of this ordinance. This documentation shall be available for public inspection at:

East Central Wisconsin Regional Planning Commission
c/o: NR-135 Coordinator
132 Main Street, Menasha, Wisconsin, 54952

18-32. Regulatory Reporting and Documentation.

(a) Reporting. The Administering Agency shall send an annual report to the Wisconsin Department of Natural Resources by March 31st of each calendar year. The reports shall include the following information for the previous year's nonmetallic mining reclamation program within Calumet County:

(1) The total number of nonmetallic mining reclamation permits in effect .

(2) The number of new permits issued within the jurisdiction of Calumet County.

(3) The number of acres approved for nonmetallic mining and the number of acres newly approved in the previous year.

(4) The number of acres being mined.

(5) The number of acres that have been reclaimed and have had financial assurance released pursuant to sec. 18-18.

(6) The number of acres that are reclaimed and awaiting release from the financial assurance requirements of this subchapter pursuant to sec. 18-33.

(7) The number and nature of alternative requirements granted, permit modifications, violations, public hearings, enforcement actions, penalties that have been assessed and bond or financial assurance forfeitures.

(b) Documentation. The Administering Agency shall, to the best of its ability, maintain the information set forth below, and make it available to the Wisconsin Department of Natural Resources for that agency's audit of Calumet County's reclamation program pursuant to Chapter NR 135, Wisconsin Administrative Code:

- (1) Documentation of compliance with Chapter NR 135, Wisconsin Administrative Code and this chapter.
- (2) The procedures employed by the Administering Agency regarding reclamation plan review, and the issuance and modification of permits.
- (3) The methods for review of annual reports received from operators.
- (4) The method and effectiveness of fee collection.
- (5) Procedures to accurately forward the Wisconsin Department of Natural Resources' portion of collected fees in a timely fashion.
- (6) Methods for conducting on-site compliance inspections and attendant reports, records and enforcement actions.
- (7) Responses to citizen complaints.
- (8) The method of and accuracy in determining the amount of the financial assurance obtained from the operator to guarantee reclamation performance.
- (9) The maintenance and availability of records.
- (10) The number and type of approvals for alternative requirements issued pursuant to s. 18-22.
- (11) The method of determining the success of reclamation in meeting the criteria contained in the reclamation plan and subsequently releasing the financial assurance pursuant to sec. 18-18.
- (12) Any changes in local regulations, ordinances, funding and staffing mechanisms or any other factor which might affect the ability of Calumet County or its Administering Agency to implement its nonmetallic mining reclamation program under this chapter.
- (13) The amount of fees collected in comparison to the amount of money actually expended for nonmetallic mining reclamation program administration.
- (14) Any other performance criterion necessary to ascertain compliance with Chapter NR 135, Wisconsin Administrative Code.

18-33. Completed Reclamation - Reporting, Certification and Effect

(a) Reporting. The operator of a nonmetallic mining site may certify completion of reclamation for a portion or all of the nonmetallic mining site pursuant to a reclamation plan prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code.

- (1) The operator shall submit a written request along with the fee as specified in Schedule A, for certification of a portion or all of the non-metallic mining site. This request shall be filed with the Administering Agency at

East Central Wisconsin Regional Planning Commission
c/o: NR-135 Coordinator
132 Main Street, Menasha, Wisconsin, 54952

(2) The Administering Agency shall notify the operator of the scheduled date of inspection within one week of the submittal of the request.

(b) Reporting of Interim Reclamation. The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code. Reporting of interim reclamation shall be done according to the procedures in sec. 18-33.

(c) Certification of Completed Reclamation. The Administering Agency shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with sec. 18-18. If it is determined that interim or final reclamation is complete, including re-vegetation as specified in a reclamation plan that conforms with s. 18-17, the Administering Agency shall issue the mine operator a written certificate of completion.

(d) Effect of Completed Reclamation. If reclamation is certified by the Administering Agency as complete under sec. 18-33 for part or all of a nonmetallic mining site, then:

(1) No fee shall be assessed under s. 18-31 for the area so certified.

(2) The financial assurance required by s. 18-17 shall be released or appropriately reduced in the case of completion of reclamation for a portion of the mining site.

(e) Effect of Inaction Following Report of Completed Reclamation. If no written response as required by sec. 18-33 for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to the Administering Agency for it under s. 18-31 shall be refunded.

18-34. Permit Termination. When all final reclamation required by a reclamation plan conforming to s. 18-17 and required by this chapter is certified as complete pursuant to **secs. 18-18 and 18-33**, the Administering Agency shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

18-35. Right of Entry and Inspection. For the purpose of ascertaining compliance with the provisions of Subchapter I of § 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, or this chapter, any authorized officer, agent, employee or representative of Calumet County or its authorized Administering Agency may inspect any nonmetallic mining site subject to this chapter as provided below:

(a) No person may refuse entry or access onto a nonmetallic mining site of a duly authorized officer, employee or agent of Calumet County or its authorized Administering Agency or the Wisconsin Department of Natural Resources who presents appropriate credentials to inspect the site for compliance with the nonmetallic mining reclamation permit, this chapter, Chapter NR 135, Wisconsin Administrative Code or subchapter I of § 295, Stats.

(b) Any person who enters the site under this right of inspection shall obtain training and provide their own safety equipment needed to comply with any federal, state or local laws or regulations controlling persons on the nonmetallic mining site.

18-36. Orders and Citations.

(a) Enforcement Orders. Calumet County, upon recommendation by the Administering Agency, may issue orders as set forth in § 295.19(1)(a), Stats., to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this ordinance, a permit issued pursuant to this ordinance or a reclamation plan required by s. 18-17 and a permit issued under this ordinance. A violation of this ordinance, an order or permit issued pursuant to this ordinance or a reclamation plan required by s. 18-17 and a permit issued under this ordinance shall be considered a violation of Subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code.

(b) Special Orders. Calumet County, upon recommendation by the Administering Agency, may issue a special order as set forth in §§ 295.19(1)(b) and (c), Wisconsin Statutes suspending or revoking a nonmetallic mining reclamation permit pursuant to s. 18-24, or directing an operator to immediately cease an activity regulated under Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code or this chapter until the necessary plan approval is obtained.

(c) Review of Orders. A person holding a reclamation permit who is subject to an order pursuant this section shall have the right to review the order in a contested case hearing under § 68.11, Stats., notwithstanding the provisions of §§ 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats.

(d) Citations. Calumet County, upon recommendation by the Administering Agency, may issue a citation under § 66.0113, Stats., or summons and complaint to collect forfeitures to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this ordinance, a permit issued pursuant to this ordinance or a reclamation plan required by s. 18-17 and a permit issued under this ordinance. The issuance of a citation or complaint under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation or complaint under this subsection.

(e) Enforcement. Calumet County, upon recommendation by the Administering Agency, may submit any order issued under s. 18-36 to abate violations of this chapter to a district attorney, corporation counsel, municipal attorney or the attorney general for enforcement. The district attorney, corporation counsel, municipal attorney or the attorney general may enforce those orders through appropriate court action.

18-37. Penalties. Any violation of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this ordinance, a permit issued pursuant to this ordinance or a reclamation plan required by s. 18-17 and a permit issued under this ordinance may result in forfeitures as provided in § 295.19(3), Wisconsin Statutes, as follows:

(1) Any person who violates Chapter NR 135, Wisconsin Administrative Code or an order issued under s. 18-36 may be required to forfeit not less than \$25 nor more than \$1,000 for each violation. Each day of continued violation is a separate offense. While an order issued under s. 18-36 is suspended, stayed or enjoined, this penalty does not accrue.

(2) Except for the violations referred to in sub. (1), any person who violates subchapter I of §295, Stats., Chapter NR 135, Wisconsin Administrative Code, any reclamation plan approved pursuant to this ordinance or an order issued pursuant to s. 18-36 shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of violation is a separate offense. While an order issued under s. 18-36 is suspended, stayed or enjoined, this penalty does not accrue.

18-38. Ordinance Conflicts. Where existing county ordinances conflict with these provisions, the provisions of this ordinance shall be controlling.

SCHEDULE "A"

CALUMET COUNTY NON-METALLIC MINING RECLAMATION ORDINANCE FEES

The following fee schedule will be in effect on July 1, 2001 and will apply to all applications
Received by the County or its Administering Agency on or after July 1, 2001

Description	Fee
Annual Fee (per un-reclaimed acre)*	\$20.38
WDNR Annual Fee for Sites on which no Nonmetallic Mining has Taken Place During the Calendar Year	\$15.00
WDNR Annual Fee (per NR-135 Admin. Code) (per un-reclaimed acre)*	
1 to 5 Acres	\$30.00
6 to 10 Acres	\$60.00
11 to 15 Acres	\$90.00
16 to 25 Acres	\$120.00
26 to 50 Acres	\$140.00
51 + Acres	\$150.00
"Automatic" Permits (existing mines only) **	\$510.00
"Regular" (New mine) Permits*	\$705.00
Alternative Requirement Review Fee	\$370.00
Annual Fee for Transportation Related Sites***	
1 to 5 acres	\$150.00
6 to 10 acres	\$300.00
11 to 15 acres	\$450.00
16 to 25 acres	\$600.00
26 to 50 acres	\$700.00
51 acres or larger	\$750.00
Expedited Review for any Transportation Related Site	Double the Annual Fee
Permit Transfer Fee	\$105.00
Permit Modification Fee	\$400.00
Final Reclamation Completion/Inspection Fee	\$220.00
Interim Reclamation Inspection Fee	None

*The first year's annual fee (pro-rated) will be required at the time the initial automatic or regular permit application submittal.

** Includes costs of future reclamation plan review / certification.

*** Portion of fee waived based on 12-month time period pro-ration.

NOTE: The Calumet County Planning and Zoning Committee may, from time to time, modify this fee schedule based upon justified program administration costs. Such modifications will not require that a public hearing be held; however, proposed changes will be public noticed prior to Committee action.

RESERVED

Chapter 26

FLOODS*

* **Cross References:** Buildings and building regulations, ch. 10; environment, ch. 18; health and sanitation, ch. 30; streets, sidewalks and other public places, ch. 58; subdivisions, ch. 62; utilities, ch. 74; waterways, ch. 78; zoning, ch. 82.

Sec. 26-1. Ordinances saved from repeal.

Sec. 26-1. Ordinances saved from repeal.

All ordinances regarding floods or flooding are excepted from the Code but saved from repeal, and such ordinances shall continue in full force and effect as if fully set forth in this section.

Chapters 27--29

RESERVED

Chapter 30

HEALTH AND SANITATION*

* **Cross References:** Animals, ch. 6; buildings and building regulations, ch. 10; environment, ch. 18; floods, ch. 26.

Sec. 30-1. Ordinances saved from repeal.

Sec. 30-1. Ordinance saved from repeal.

All ordinances regarding health and sanitation are accepted from this Code but saved from repeal, and such ordinances shall continue in full force and effect as if fully set forth in this section.

RESERVED

Chapter 32

COUNTY TRUNK HIGHWAYS*

* Cross References: Administration, Ch. 2.

Sec. 32. County Trunk Highways

Art. I In General

Sec. 32-1 Jurisdiction
Sec. 32-2 Purpose
Sec. 32-3 Penalties
Sec. 32-4 Definitions

Art. II Access to County Trunks

Sec. 32-6 Alteration of Abutting Lands
Sec. 32-7 Appeal Process
Sec. 32-8 Variance Process
Sec. 32-9 Compliance with Ordinances/Official Maps
Sec. 32-10 Temporary Access
Sec. 32-11 Existing Points of Access
Sec. 32-12 Change of Use
Sec. 32-13 Permit Requirements
Sec. 32-14 Right of Access for Parcels Existing Prior to Enactment
Sec. 32-15 Standards for Access
Sec. 32-16 Location, Design & Construction Requirements
Sec. 32-17 Wetland Ordinances Controlling
Sec. 32-18 to 30 Reserved

Art. III Utility Policy

Sec. 32-31 Utility Relocation Costs
Sec. 32-32 to 70 Reserved

Art. IV Speed Limits

Sec. 32-71 Speed Limits

Art. V Stop Signs/Traffic Signs

Sec. 32-72 Stop Signs
Sec. 32-73 Yield Signs
Sec. 32-74 No Parking Signs
Sec. 32-75 Parallel Parking Only
Sec. 32-76 Winter Parking Regulation
Sec. 32-77 Class B Weight Limit

Article I. In General

Sec. 32-1 Jurisdiction

This Chapter is adopted under the authority of Chapter 59, 83 and 86 of Wisconsin Statutes, as amended from time to time.

Sec. 32-2 Purpose

The purpose of this Chapter is to provide for the safety of the motoring public, to review and approve new access points onto county trunk highways and changes in the use of existing access points, to promote the safe ingress and egress to county trunk highways in the interest of public safety, welfare and convenience, to protect the public investment in highways by preventing premature functional obsolescence, to reduce highway accidents caused by frequent and poorly designed points of access, to promote the balanced use of land for the mutual protection of the land owners, motorists and Calumet County and, to assure that utility installation meets certain engineering safety requirements.

Sec. 32-3 Penalties

Any person violating any provision of this chapter shall forfeit not less than \$50.00 nor more than \$100.00 for each day that a violation exists. Each day that a violation exists shall constitute a separate offense.

Sec. 32-4 Definitions

For the purpose of this Chapter, certain words or phrases used herein are defined as follows:

- A. Access: A point where a private driveway, road or town road connects to a county trunk highway.
- B. Agricultural Driveway: A point of access to highway for purposes of utilization of natural resources for the purpose of raising and selling basic food stuffs, but not including the extensive processing of raw goods. Agricultural farms under this definition shall produce annually on the farm a minimum of \$6,000.00 in gross sales of agricultural products. This shall also cover any real estate used for grazing.
- C. Commercial Driveway: A point of access to a highway for purposes of commerce, including dwellings designed for occupancy of more than two families.
- D. Calumet County Highway Commissioner: The Calumet County Highway Commissioner and his designees (herein after referred to as the "Commissioner").
- E. Calumet County Board of Adjustments: The Board of five individuals appointed by the County Administrator for a two-year term expiring in April of even years.
- F. Calumet County Zoning Administrator: The Calumet County Zoning Administrator or his designees (hereinafter "Administrator").
- G. Driveway: A point of access to a highway.
- H. Highway: A County Trunk Highway as designated by Calumet County pursuant to Sec. 83.025, Statutes (synonymous with County Road).
- I. Local Road: A street or road, other than a County Trunk or Federal or State Highway, including private roads.
- J. Intersection: A place where two roads or a road and a highway intersect.
- K. Legal Conforming Lot: A lot which conforms with the dimensional and other requirements of the Zoning, Shoreland and Subdivision Ordinances of the county, villages or cities.
- L. Legal Nonconforming Lot: A lot, which was legal when created, but which would be prohibited under current requirements of the Zoning, Shoreland and Subdivision Ordinances of the county, villages or cities.
- M. Mile: A mile is measured to include ½ mile in either direction from each particular point of access under consideration.
- N. Other Driveway: Any other access to a county trunk, not otherwise specified. This would include infrequently used access points for utility purposes, emergency vehicles, land in the Conservation Reserve Program, woodlands, and hunting land.
- O. Recreational crossing: A point of access to a highway for recreational purposes, including but not limited to snow mobiles, bicycles, and the like.
- P. Residential driveway: A point of access to a highway for purposes of serving a building designed for or occupied exclusively for one to two families.
- Q. Rural County Trunk Highway: Any county trunk highway with a 55 M.P.H. speed limit.
- R. Semi-urban County Trunk Highway: Any county trunk highway, either inside or outside of the municipal boundaries of a city or village with a speed limit between 36 and 54 m.p.h.
- S. Temporary Access: A permit issued by the Administrator for a period of one year or less.
- T. Urban County Trunk Highway: Any county trunk highway, either inside or outside of the municipal boundaries of a city, village or township with a speed limit of 35 M.P.H. or less.
- U. Utility: Any corporation, company, individual and association, including their lessees, trustees or receivers, or any sanitary district, cooperative association, town, village, or city that owns, operates, manages or controls any plant or fixed equipment within this state for the conveyance of communications, electric, power, light, heat, fuel, gas, oil, petroleum products, water, steam, fluids, sewage, drainage, irrigation, or similar facilities. This includes the owners or operators of

cable television systems, cellular phone, and paging (wireless) systems, publicly owned fire or police signal systems, traffic and street lighting facilities, or privately owned facilities which perform any of the utility functions above. Highway facilities operated by the county shall not be bound by this chapter.

Sec. 32-5 Enforcement

The Commissioner or Administrator shall issue a citation in compliance with sec. 1-8 of the Code for any violation of this chapter. The Corporation Counsel shall prosecute all violations of this chapter upon the request of the Commissioner or Administrator. In addition to an action to collect forfeiture, the Corporation Counsel is directed to seek an injunction in any case deemed appropriate to correct the violation, including the costs to correct the violation.

Article II. Access to County Trunks

Sec. 32-6 Alteration of Abutting lands

- A. It shall be unlawful and a violation of this chapter for any person, either directly or through the action of any tenant or other user of the lands, to alter the contours of the lands abutting controlled access highways in such a manner as to permit vehicular access from adjacent lands to a county highway without first obtaining all permits required by this ordinance.
- B. The Commissioner is authorized to issue an order, upon the determination that a violation of the provision of this chapter has occurred, requiring the landowner to remove any such alteration by a date certain which shall in any event be at least 20 days from the date of delivery of the notice. Said delivery is to be by certified mail to the address of the landowner as found in the most recent tax listings for Calumet County.
- C. In the event that the alteration of the lands abutting a controlled access highway creates an immediate danger to the motoring public, the Commissioner shall correct the alteration as soon as possible. The Commissioner shall attempt to give prior notice of intent to correct the problem. In any case, the Commissioner shall give notice no later than 24 hours after the correction has occurred. The Commissioner may issue a citation as set forth in sec. 32-5, above.

Sec. 32-7 Appeal Process

- A. Any order or decision issued pursuant to this chapter may be appealed to the Calumet County Board of Adjustments by filing a written notice of appeal within 30 days of the date of date of delivery of the order or the written decision of the Commissioner or Administrator.
- B. The notice of appeal shall be filed with the Calumet County Courthouse, 206 Court Street, Chilton, WI 53014. A non-refundable fee of \$275 shall accompany the notice of appeal. The Board shall set a time and place for considering the appeal, and shall notify the appellant of the same. The appellant shall have the right to present evidence and witnesses on his behalf. When reviewing the order or decision of the Commissioner or Administrator, the Board shall consider the requirements of this chapter specifically paying attention to Sec. 32-2, above. The Board shall issue findings either sustaining or overruling the order or decision.
- C. If the Board sustains the order to remove the access point under 32-6, the appellant shall remove the alteration by the date set forth in the decision which shall in any event be at least 20 days from the date of the decision of the Board.
- D. If the appellant refuses to comply with the order, the Commissioner or Administrator shall issue a citation consistent with sec. 1.8 of this Code.
- E. Nothing in this section shall be interpreted to impair the right of the appellant to seek Certiorari review under sec. 59.694(10) and/or 80.34(2), Wis. Stats.

Sec. 32-8 Variance Process

- A. Any person who has filed a permit for access under this chapter and was denied may request a variance. The written request for a variance shall be filed with the Calumet County Board of Adjustments, 206 Court St., Chilton, WI 53014, within 30 days of the date of delivery of the written notification of denial. A non-refundable fee of \$350.00 shall be paid at the time of filing for a variance.
- B. The Board shall set a time and place for considering the variance as set forth in Article XIII Zoning Ordinance, and shall notify the requestor of the same. The requestor shall have the right to present evidence and witnesses on his behalf.
- C. When reviewing the order or decision of the Commissioner or Administrator, the Board shall consider the requirements of this chapter specifically paying attention to Sec. 32-2, above.
- D. If the Board finds that practical difficulty and unnecessary hardship may result from strict compliance with this Chapter, it may vary the regulation so that substantial justice may be done provided that the public interest is secured and that such variance will not have the effect of nullifying the intent and purpose of this Chapter.
- E. In granting variances, the Board shall request evidence of practical difficulty and hardship and record the reasons in the minutes of which the variance was granted or denied.
- F. Nothing in this section shall be interpreted to impair the right of the appellant to seek Certiorari review under sec. 59.694(10) and/or 80.34(2), Wis. Stats.

Sec. 32-9 Compliance with Ordinances/Official Maps

Any person seeking access to land abutting a county trunk highway shall comply with:

- A. The ordinances and regulations of the Calumet County Planning Department.
- B. The official map of any municipality or governmental unit having jurisdiction.

Sec. 32-10 Temporary Access

Except as specifically designated in this chapter, no private entrance upon or departure from a county highway shall be permitted by the Administrator. The Administrator may designate a private access point as temporary and subject to periodic review. In the interests of public health, safety and general welfare, the Administrator may revoke a temporary access permit or he may require modifications to remedy a problem situation. A person so aggrieved may appeal that decision set forth in Sec. 32-7, above.

Sec. 32-11 Existing Points of Access

All points of access that existed prior to March 20, 2001 may be continued. However, if the use of an established point of access is discontinued for a period of one year, the Administrator may revoke the access privilege or require alterations or improvements to achieve compliance with this chapter.

Sec. 32-12 Change of Use.

Any point of access permitted under this chapter shall be subject to review and approval by the Administrator if the Administrator determines that there has been a change in the use of the access or a change in the primary use of the land which will affect the safe and efficient ingress and egress to, and use of, a county trunk highway. This determination shall be based primarily on a significant change in the volume of traffic or the type of vehicle using that point of access.

Sec. 32-13 Permit Requirements.

- A. Applications for permits shall be obtained at the Calumet County Planning Department, 206 Court Street, Chilton, WI 53014.
- B. The Administrator shall approve or deny the permit within 30 days of receipt of the application and fee.
- C. An access permit shall expire 6 months from the date of issuance if evidence of use has not been established within that time. The application shall be extended for one additional six-month period upon the written request of the applicant.
- D. A non-refundable application permit fee for the construction or reconstruction of an entrance or departure upon a Calumet County Trunk Highway shall be established as follows:

1. Local Road		
Access:	\$	500.00
2. All other accesses including:		
Residential	\$	100.00
Agricultural	\$	100.00
Recreational Crossing	\$	100.00
Commercial Driveway	\$	150.00
Other Driveway	\$	100.00
3. Permits applied for subsequent to Installation of Access in non-compliance with this ordinance.	\$	500.00
4. Removal of illegally placed driveway	Actual Cost	
5. Temporary Permits	\$	100.00
6. Change of use fees	As set forth in #2, above.	

Sec. 32-14 Right of Access for Parcels Existing Prior to Enactment.

- A. Each legal conforming lot is entitled to one access per lot.
- B. Non-legal conforming lots under common ownership, of the same use, shall be considered one lot for purposes of this chapter.

Sec. 32-15 Standards for Access.

- A. Whenever possible, accesses shall be granted on local roads instead of County Trunk Highways when there is a choice between the two types of roads.
- B. All newly created lots shall have an access shown on the recorded Certified Survey Map or by Plat as set forth in Calumet County Land Subdivision Ordinances.
- C. Consistent with the Land Subdivision Ordinance, the developer shall consult early and informally with the Administrator for advice regarding the general requirements of this Chapter as it relates to both Certified Survey Maps and Plats.
- D. The developer shall provide the Administrator with a drawing of the proposed parcel to be developed on a topographic survey map identifying proposed roads. The Administrator may require other information including limited scale drawings, existing accesses, engineering data, traffic generation, property lines, topography, streams, lakes, ponds, marshes, wetlands and location of existing and proposed buildings and structures.
- E. Approval of the Certified Survey Map or Plat by the Administrator does not remove the obligation of the person to seek a highway permit in compliance with this Chapter.

- F. In the case where a property owner owns more than one adjacent parcel (of the same use) with frontage on a county trunk highway, all parcels shall be treated as a single parcel for the purposes of this chapter.
- G. Only one access shall be allowed per parcel used for residential purposes.
- H. Notwithstanding sec. 32-15(K), below, agricultural properties may have one point of access per 40 acre field unless the Administrator, in writing, finds that practical difficulty and unnecessary hardship would result from having only one access point.
- I. Parcels used for commercial and industrial purposes may be allowed two points of access provided they each separately meet the remaining criteria of this Chapter, and require more than 50 parking spaces.
- J. All other parcels shall meet the criteria as set forth below.
- K. Access permits shall not be issued where the horizontal distance between access points measured at the centerline, would become less than:
 - 1. 600 feet or no more than 6 per mile for Rural County Highways.
 - 2. 350 feet or no more than 10 per mile for Semi-urban County Highways.
 - 3. 200 feet or no more than 14 per mile for Urban County Highways.
 - 4. For purposes of this section, local roads, state and county highways shall not be counted as access points.
 - 5. For purposes of this section, agricultural driveways shall not be counted as access points.
- L. Access points must be at least the following horizontal distances:
 - 1. 1,000 feet from the intersection of state and county highways, city, village or town roads, in existence or officially mapped.
 - 2. New and/or proposed road shall be at least 1,000 feet from the intersection of any public roads in existence or officially mapped.
- M. Where ever possible, roads should not be staggered, creating “T” intersections, but should connect with other roads, driveways on the opposite side of the highway.
- N. Permits for driveways designated “other” are not subject to paragraph “K” above. Instead, the Administrator may issue other driveways after consultation with the Commissioner, consistent with the stated goals of Section 32-2 above.
- O. Whenever possible, frontage roads should be used to promote the stated goals as set forth in Sec. 32-2, above.
- P. The Administrator may reduce these requirements in the event it is deemed unnecessary to meet the provision of Section 32-2.

Sec. 32-16 Location, Design and Construction Requirements.

The location, design and construction of an entrance upon or departure from a County Trunk Highway shall be in accordance with the following policies and limits, which in no case shall be exceeded unless specific written authorization is obtained from the Commissioner. The Commissioner shall work in conjunction with the Administrator to ensure that all access points are in compliance with this Section.

- A. A driveway shall have a maximum top width of twenty-four (24) feet for residential and a maximum driveway top width of thirty-five (35) feet for commercial, industrial and agricultural uses unless otherwise approved by the Commissioner. The entire driveway roadway shall be contained within the frontage along the highway of the property served unless otherwise approved by the Commissioner.
- B. All driveways shall be constructed so as to ingress and egress the County Trunk Highway at an angle of ninety (90) degrees to the County Trunk Highway, unless otherwise approved by the Commissioner.
- C. A driveway shall not provide direct ingress or egress to or from a County Trunk Highway intersection.
- D. All driveways shall be constructed of solid load bearing material. The top surface of the driveway shall consist of at least six inches of gravel upon the traveled portion.

- E. The surface of the driveway connecting with the highway section shall slope down and away from the highway shoulder a sufficient amount and distance to preclude ordinary surface water drainage flowing from the driveway area onto the highway roadbed.
- F. No concrete approaches or aprons shall be permitted within the highway right of way except in curb and gutter areas.
- G. Driveways shall not obstruct or impair drainage in highway side ditches or roadside areas. A culvert shall consist of a corrugated metal culvert pipe with apron end walls. The Commissioner shall determine the culvert length. The culvert and apron end walls shall be installed by the property owner, subject to the approval of the Commissioner. Culverts shall be installed at least ten (10) feet from the owner's sideline, unless otherwise approved by the Highway Commissioner.
- H. All driveways shall be constructed or reconstructed to have sloped sides, unless the streets have curb and gutter. Such construction shall be accomplished using only soil materials. The side slopes of the driveway shall be sloped at no more than a length to height grade ratio of 4:1. All slopes shall be seeded or sodded by the property owner.
- I. The restricted area between successive driveways may be filled in or graded down only if the following requirements are fully complied with:
 - (1) The filling in or grading down shall be to grades approved by the Highway Commissioner except where highway drainage is by means of curb and gutter, in which case water drainage of the area shall be directed away from the highway roadbed in a manner approved by the Highway Commissioner.
 - (2) Culvert extensions under the restricted area shall be of like size and equivalent acceptable material as the driveway culvert. Intermediate manholes adequate for cleanout purposes may be required as deemed necessary by the Highway Commissioner dependent upon the total culvert length.
- J. All driveways shall be at least 10 feet from a side or rear property line, unless the driveway is to be shared with the adjacent property owner(s). Shared driveways for residential access shall have a recorded cross easement.
- K. The Calumet County Highway Commissioner may impose any other construction requirements deemed necessary with regard to the construction of any access point. The Commissioner may, in accordance with generally accepted engineering practices require a specific design for the access point as it relates to sight distance, return radius, angle, profile, width, paved aprons or turning lanes, parking and internal circulation.

Sec. 32-17. Wetland Ordinances Controlling

Any wetland ordinances enacted by Calumet County shall take precedence over any conflict arising between such wetland ordinances and this ordinance.

Sec. 32-18 to 32-30. Reserved.

(Ord. No. 1993-9; 11-1-93. Repealed by Ord. No. 2000-20; Replaced with §§(1)-(15), 3-20-2001; Ord. No. 2000-20, Repealed by Ord. No. 2003-7; Replaced with 32-1 to 32-17; 6-17-03; Ord. No. 2005-20, January 17, 2006; Ord. No. 2006-3, §32-16 & §32-17, 6-20-06).

Article III. Utility Policy

Sec. 32-31. Utility relocation costs.

- (a) Whenever a utility company relocates cables, poles or other utility structures within the

minimum setback distance from the centerline of a county trunk highway as set forth in article VIII of the county's zoning ordinance, such utility relocating a cable, pole or other utility structure within the minimum setback distance of the center of a county trunk highway shall be responsible for paying any and all costs of relocating such cable, pole or other utility structure when such relocation is necessary due to a county highway project, regardless of whether or not such cable, pole or utility structure sits on public or private property located within the minimum setback distance from the centerline of a county trunk highway as contained in article VIII of the county zoning ordinance. This section includes, but is not limited to, county trunk highway projects that require the expansion or widening of a county trunk highway or county trunk highway right-of-way within the minimum setback distances set forth in article VIII of the county zoning ordinance.

(b) Upon receiving notice from the county highway committee that a utility structure is interfering with the expansion or improvement of a county trunk highway within the minimum setback distances set forth in article VIII of the county zoning ordinance, the utility shall take immediate steps to move the utility structure.

(Ord. No. 1991-11, §§ 1, 2, 6-18-1991)

Editors Note: The county zoning ordinance is not set forth in this Code, but is on file in the county clerk's office.

Sec. 32-32. Utility Permits Upon Calumet County Trunk Highways.

(a) Compliance with Ordinance. Any person, firm or corporation seeking to install or reinstall a utility over, under, across or parallel to a Calumet County trunk highway or right-of-way, shall comply with the requirements of this section, any other applicable County ordinances and the Calumet County Utility Accommodation Policy 96.00.

(b) Permit Required to Install or Reinstall or Reconstruct Utility. No utility shall be installed, reinstalled or reconstructed over, under, across or parallel to a Calumet County Highway without the person, firm or corporation seeking to install, reinstall or reconstruct the utility first obtaining a permit from the Calumet County Highway Commissioner or his or her designee.

(c) Applications for permits.

1. Permits shall be applied for at the Calumet County Highway Department, 241 E. Chestnut St., Chilton, WI 53014, upon application forms to be provided by the Calumet County Highway Commissioner.

2. Non-refundable application permit fee shall be established as follows:

a. Application Fee \$50.00

b. In addition to Application Fee:

(1) Boring Fee \$75.00.

(2) Suspension of lines from poles, towers or plowing of lines (per lineal foot) \$.05.

(3) Open Cut Fee \$400.00.

(4) Permit to Close Road (per day) \$50.00.

c. Definitions:

1. Boring: Where a circular hole is drilled under the road without disturbing the road surface.

2. Open Cut: The cutting of the trench or an opening across a road surface.

3. Plowing: The threading of an electrical or telecommunications line into the soil by the use of a mechanical device specifically designed for that purpose with

minimal disturbance to the soil surface.

(d) Requirements.

1. Hold Harmless Agreement.

Applicants for Utility Permits shall save and hold the Calumet County and its officers, employees and agents, harmless from all liability, damage, loss, expense, claims, demands, and actions of any nature whatsoever arising out of any acts or omissions of the applicant in any way connected with the work to be performed, pursuant to the permit, or the construction or maintenance of facilities by the applicant in the County right-of-way, which is the subject of the permit issued.

2. Location, Design and Installation.

The location design and installation of utilities over, under, across or parallel to Calumet County Trunk Highways shall be in accordance with such engineering safety requirements as are promulgated, in writing, by the Calumet County Highway Committee.

(e) Application and Review Procedures:

1. The authority to approve, conditionally approve, or reject applications is delegated to the Calumet County Highway Commissioner or designee.

2. The permit shall be granted when:

a. Such use and occupancy does not adversely affect the primary functions of the Highways or materially impair their safety, operational, or visual qualities; and

b. There would be no conflict with the provisions of Federal, State or Local laws or regulations or the accommodation provisions stated in the WCHA Utility Accommodation Policy 96.00; and

c. The occupancy will not significantly increase the difficulty or future cost of Highway construction or maintenance.

3. Permits shall only be issued in the name of the individual or entity that will own the utility facility, which is to be placed in County right-of-way.

(f) Appeal. Any order or decision issued pursuant to this section may be appealed to the Calumet County **Highway Committee**.

(Ord. No. 2005-14, 10-31-05.)

Sec. 32-33. Permit for Operation of Oversized Vehicles Upon County Trunk Highways.

(a) Compliance with Ordinance: Any person, firm or corporation seeking to operate an oversized vehicle upon a Calumet County Trunk Highway shall comply with the requirements of this Ordinance.

(b) Oversized vehicle means any vehicle that is overwide, overhigh, overlong, or overweight, in contravention of §348.05, §348.06, §348.07, or §347.15, Wisconsin Statutes, and as amended.

(c) Permit Required to Operate Oversized Vehicle:

1. No person, firm or corporation shall operate an oversized vehicle upon County Trunk Highways without first obtaining a permit from the Calumet County Highway Committee.
2. Applications to permit oversized vehicles upon Calumet County Trunk Highways shall be applied for at the Calumet County Highway Department, 241 E. Chestnut St., Chilton, WI 53014. Upon forms to be provided by the Calumet County Highway Committee.
3. The charge of \$100.00 shall be assessed to those making application for the issuance of a permit for the operation of an overweight vehicle upon Calumet County Highways. The charge of \$25.00 shall be assessed to those making application for the issuance of a permit for the operation of an overwide, overhigh, or overlong vehicle upon Calumet County Highways.
4. Permits shall be issued only in the name of the owner of the vehicle to be operated.

(d) Denial of Permit Application: The Calumet County Highway Committee may refuse to grant a permit upon application for the operation of an oversized vehicle upon Calumet County Highways under the following conditions:

1. When operation of such vehicle is reasonably likely to interfere with the safety of those persons utilizing Calumet County Trunk Highways.
2. When the weight of a vehicle is such so as to be likely to cause damage to a Calumet County Trunk Highway as a result of operation thereupon.

(e) Restrictions. The Calumet County Highway Committee may issue a permit for the operation of an oversized vehicle upon Calumet County Trunk Highways with such restrictions as it deems appropriate, so as to protect the safety and welfare of those persons utilizing Calumet County Trunk Highways.

(Ord. No. 2005-13, 10-31-05.)

Sec. 34 to 70. Reserved.

Article IV. Speed Limits

32-71 SPEED LIMITS

A. 25 MPH Speed Zones

CTH B	St. John From intersection with CTH BB east 1,420 feet and west 1,140 feet	Total Length 2,560feet
CTH BB	St. John-traveling south bound only From intersection with CTH B north 480 feet and south 1,904 feet	Total Length 2,384 feet
CTH BB	St. John-traveling north bound only	Total Length 1,590 feet

From intersection with CTH B south 1,110 feet and north 480 feet

CTH E	Stockbridge	Total Length 2,550 feet From intersection with STH 55 east 1,262 feet and west 1,288 feet
CTH F	Chilton	Total Length 2,652 feet From intersection with USH 151 to 350 feet north of Grand Street
CTH G	Chilton – north & south bound	Total Length 1,502 feet From intersection with STH “32/57” south 1,502 feet
CTH H	New Holstein	Total Length 2,763 feet From intersection with STH 32/57 to 1,638 feet west of Plymouth Street
CTH J	New Holstein	Total Length 4,019 feet From intersection with CTH X to 420 feet south of Trimborn Avenue
CTH PP	Potter	Total Length 4,260 feet From 40 feet east of Hillcrest Lane to 630 feet east of Pheasant Street
CTH PP	Brillion	Total Length 1,150 feet From intersection with USH 10 to 1,150 feet north of USH 10
CTH X	New Holstein-traveling east bound only	Total Length 1,852 feet From intersection with STH 32/57 east to 1,272 feet east of Clark Drive
CTH X	New Holstein-traveling west bound only	Total Length 2,209 feet From 625 feet east of Clark Drive to intersection with STH 32/57
CTH Y	Chilton	Total Length 5,950 feet From intersection with STH 32/57 to intersection with Breed Street

AA. 30 MPH Speed Zones

CTH LP	Appleton	Total Length 555 feet From intersection with CTH AP south 555 feet
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B. 35 MPH Speed Zones

CTH ASt. Anna		Total Length 3,000 feet From intersection with CTH Q north 3,000 feet
CTH AP	Appleton	Total Length 29,653 feet From intersection with Oneida Street to intersection with CTH KK
CTH C	Jericho-traveling north bound only	Total Length 1,699 feet From intersection with CTH H south 798 feet and north 901 feet
CTH C	Jericho-traveling south bound only	Total Length 1,815 feet From intersection with CTH H north 1,013 feet and south 798 feet

CTH E	Stockbridge	Total Length 1,020 feet
	From 1,262 feet east of intersection with STH 55 to 2,282 feet east of intersection with STH 55	
CTH E	Stockbridge	Total Length 1,848 feet
	From 1,288 feet west of intersection with STH 55 to 248 feet east of Lakeshore Drive	
CTH EE	County Park	Total Length 810 feet
	From Park Entrance to 810 feet east of Rockland Beach Rd.	
CTH F	Chilton-traveling north and west bound only	Total Length 2,200 feet
	From 350 feet north of Grand St. to 762 feet west of State Rd.	
CTH F	Chilton-traveling east and south bound only	Total Length 1,890 feet
	From 464 feet west of State Rd. to 350 feet north of Grand St.	
CTH G	Chilton – north & south bound	Total Length 1,804 feet
	From 1,502 feet south of intersection with STH “32/57” to 1,566 feet south of M-B Lane	
CTH H	Jericho	Total Length 2,500 feet
	From intersection with CTH C west 1,645 feet and east 855 feet	
CTH KK	Darboy	Total Length 7,800 feet
	From 240 feet east of Hopfensberger Rd. to N. Coop Rd.	
CTH M	Sherwood	Total Length 4,100 feet
	From 356 feet south of Kesler Rd. to intersection with STH 55/114	
CTH N	Darboy-traveling south bound only	Total Length 1,080 feet
	From intersection with CTH KK south 1,080 feet	
CTH PP	Potter	Total Length 885 feet
	From 1,300 feet east of Reimer Rd. to 40 feet east of Hillcrest Dr.	
CTH X	New Holstein-traveling west bound only	Total Length 643 feet
	From 1,338 feet west of Rabes Hilltop Rd. to 1,981 feet west of Rabes Hilltop Rd.	
CTH Y	Chilton-traveling east bound only	Total Length 1,449 feet
	From the intersection with Center St. to 544 feet east of Irish Rd.	
CTH Y	Chilton-traveling west bound only	Total Length 1,600 feet
	From 694 feet east of Irish Rd. to intersection with Center St.	
CTH Y	Potter-traveling north bound only	Total Length 1,207 feet
	From 1,207 feet south of intersection with CTH PP to CTH PP intersection	
CTH Y	Potter-traveling south bound only	Total Length 2,023 feet
	From Intersection with CTH PP south 2,023 feet	

C. 40 MPH Speed Zones

CTH N	Darboy-traveling north bound only From 500 feet south of Hearthstone Dr. to intersection with CTH KK	Total Length 2,645 feet
CTH N	Darboy-traveling south bound only From 1,080 feet south of CTH KK to 500 feet south of Hearthstone Dr.	Total Length 1,584 feet

D. 45 MPH Speed Zones

CTH AP	Appleton From intersection with CTH LP east 2,390 feet and west 1,392 feet	Total Length 3,782 feet
CTH E	Stockbridge From 248 feet east of Lakeshore Dr. to 4,710 feet west of Lakeshore Dr.	Total Length 4,958 feet
CTH HR	Brillion From intersection with USH 10 to 300 feet east of Bastian Rd.	Total Length 2,086 feet
CTH KK	Darboy From 245 feet east of State Park Rd. to 240 feet east of Hopfensberger Rd.	Total Length 2,893 feet
CTH LP	Appleton From 555 feet south of intersection with CTH AP to intersection with USH 10	Total Length 9,745 feet
CTH N	Darboy From 575 feet south of Schmidt Rd. to 500 feet south of Hearthstone Dr.	Total Length 3,378 feet
CTH PP	Brillion-traveling north bound only From 1,807 feet south of S. Glenview Ave. to intersection with S. Glenview Ave.	Total Length 1,807 feet
CTH PP	Brillion-traveling south bound only Intersection with S. Glenview Ave. to 1,870 feet south of S. Glenview Ave.	Total Length 1,870 feet

E. 15 MPH School Zones When Children are Present

CTH AP	West bound From 480 feet east of Telulah Ave. to 245 feet west of Telulah Ave.	Total Length 725 feet
CTH AP	East bound From 555 feet west of Telulah Ave. to 145 feet east of Telulah Ave.	Total Length 700 feet
CTH B	From 780 feet east of CTH BB to 530 feet west of CTH BB	Total Length 1,316 feet
CTH BB	From 890 feet south of CTH B to 250 feet north of CTH B	Total Length 1,140 feet
CTH H	From 190 feet east of Plymouth St. to 1,453 feet west of Plymouth St.	Total Length 1,643 feet

CTH KK

Total Length 1,423 feet
From 437 feet east of Darboy Dr. to 70 feet east of Noe Rd.

CTH Y

Total Length 393 feet
From 93 feet east of Spring St. to 486 feet east of Spring St.

(25 MPH: Ord. No. 1978-3, 7-18-78; Ord. 1982-6, 9-28-82; Ord. 1985-8, 1-21-86)

(30 MPH: Ord. No. 2003-18, 12-16-03)

(35 MPH: Ord. No. 40, 12-19-72; Ord. 68, 9-28-76; Ord. 69, 11-09-76; Ord. 1978-3, 7-18-78; Ord. 1985-8, 1-21-86; Ord. 1988-5, 6-21-88; Ord. 1991-5, 5-21-91; Ord. 1997-14, 12-16-97; Ord. 1998-1, 4-21-98; Ord. 1999-13, 11-01-99; Ord. 2003-6, 6-18-2003).

(40 MPH: Ord. No. 1981-1, 5-19-81; Ord. 1984-7, 10-30-84; Ord. 2003-6, 6-18-2003).

(45 MPH: Ord. No. 1991-6, 5-21-91; Ord. 1996-10, 8-20-96; Ord. 1999-1, 4-20-99; Ord. 2003-6, 6-18-2003; Ord. No. 2003-18, 12-16-2003).

Article V. Stop Signs/Traffic Signals

32-72 STOP SIGNS

1. Stop signs on CTH A. Intersections of:
 - a) CTH Q, south traffic only.
 - b) St. Anna St., west traffic only.
 - c) Martin St., west traffic only.
 - d) Fur Farm Rd., east and west traffic.

2. Stop signs on CTH AP. Intersections of:
 - b) Eisenhower Drive, east bound traffic only.

3. Stop signs on CTH B. Intersections of:
 - a) S. Marx Rd., north traffic only.
 - b) N. Marx Rd., south traffic only.
 - c) McHugh Rd., north and south traffic.
 - d) Sawmill Rd., south traffic only.
 - e) CTH BB, north and south traffic.
 - f) Sharon St., north traffic only.
 - g) Borneman Lane, south traffic only.
 - h) Elm Rd., north and south traffic.
 - i) Kesler Rd., south traffic only.
 - j) Harwood Rd., north traffic only.

4. Stop signs on CTH BB. Intersections of:
 - a) State Rd., west traffic only.
 - b) Hickory Hills Rd., east and west traffic.
 - c) Killsnake Rd., east and west traffic.
 - d) Custer Rd., east traffic only.
 - e) Schneider Rd., west traffic only.
 - f) Faro Springs Rd., east and west traffic.
 - g) Crosstown Rd., east and west traffic.
 - h) At Railroad crossing in the Town of Woodville, north and south traffic
 - i) Greendrive Rd., east traffic only.
 - j) Alice St., east traffic only.
 - k) Stephan Ave., east traffic only.

- l) Willow Ln., west traffic only.
5. Stop signs on CTH C. Intersections of:
 - a) Banner Rd., east and west traffic.
 - b) Dick Rd., east and west traffic.
 - c) Stone Rd., west traffic only.
 - d) W. Jefferson Rd., east and west traffic.
 - e) Schluchter Rd., east and west traffic.
 - f) Quinney Rd., east and west traffic.
6. Stop signs on CTH D. Intersections of:
 - a) Schmidt Rd., east and west traffic.
 - b) Dundas Rd., east traffic only.
7. Stop signs on CTH E. Intersections of:
 - a) CTH Y, north traffic only.
 - b) Irish Rd., north and south traffic.
 - c) McHugh Rd., north and south traffic.
 - d) CTH BB, north and south traffic.
 - e) Twain Rd., north and south traffic.
 - f) Long Rd., north and south traffic.
 - g) New St., north traffic only.
 - h) Church St., south traffic only.
 - i) Union St., south traffic only.
 - j) Lakeshore Dr., north and south traffic.
 - k) Allison Dr., north traffic only.
 - l) Lake Breeze Dr., south traffic only.
 - m) Stockbridge Harbor Entrance, north traffic only.
 - n) Harbor Ridge Rd., south traffic only.
8. Stop signs on CTH EE. Intersections of:
 - a) Lakeshore Dr., north and south traffic.
 - b) Rockland Beach Rd., northeast traffic only.
9. Stop signs on CTH F. Intersections of:
 - a) USH 151, south traffic only.
 - b) School St., east and west traffic.
 - c) Jefferson St., east traffic only.
 - d) Court St., east traffic only.
 - e) Washington St., west traffic only.
 - f) Court House North Driveway, east traffic only.
 - g) Grand St., west traffic only.
 - h) Breed St., east and west traffic.
 - i) Breed St., north traffic only.
 - j) State Rd., south traffic only.
 - k) CTH BB, south traffic only.
 - l) Trucker Rd., north traffic only.
 - m) Finnegan Rd., south traffic only.
 - n) Long Rd., north and south traffic.
 - o) CTH C, north traffic only.
 - p) Moehrke Rd., south traffic only.
 - q) Ledge Rd., south traffic only.
 - r) N. Tower Rd., north traffic only.

10. Stop signs on CTH G. Intersections of:
 - a) St. Charles Rd., east and west traffic.
 - b) Pethan Rd., west traffic only.
 - c) E. Jefferson Rd., east and west traffic.
 - d) Short Rd., east and west traffic.
 - e) Sunrise Dr., west traffic only.
 - f) M-B Lane, east and west traffic.

11. Stop signs on CTH H. Intersections of:
 - a) Plymouth St., north, south, east and west traffic.
 - b) CTH A, north traffic only.
 - c) Orchard Dr., south traffic only.
 - d) Irish Rd., north and south traffic.
 - e) Dorn Rd., north traffic only.
 - f) CTH G, south traffic only. (east)
 - g) S. Washington Rd., north and south traffic.
 - h) S. Columbus Rd., north and south traffic.
 - i) CTH G, north traffic only. (west)
 - j) Pioneer Rd., south traffic only.
 - k) Schoenborn Rd., northeast traffic only.
 - l) Paradise Rd., southwest traffic only.
 - m) St. Charles Rd., southwest traffic only.
 - n) N. Town Hall Rd., south traffic only.
 - o) S. Town Hall Rd., north traffic only.
 - p) CTH C, north and south traffic.
 - q) S. Tower Rd., north and south traffic.

12. Stop signs on CTH HR. Intersections of:
 - a) Bastian Rd., north and south traffic.
 - b) Hacker Dr., south traffic only.
 - c) Church St., north and south traffic.

13. Stop signs on CTH J. Intersections of:
 - a) Sheboygan Rd., north traffic only.
 - b) Kraemer Rd., west traffic only.
 - c) Foundry Rd., east and west traffic.
 - d) Fur Farm Rd., east and west traffic.
 - e) Trimborne Ave., east and west traffic.
 - f) Silver Moon Lane, east traffic only.
 - g) Jordan St., east and west traffic.
 - h) Hickory Lane, east and west traffic.
 - i) STH 32/57, north and south traffic.

14. Stop signs on CTH JJ. Intersections of:
 - a) Fisher Rd., east traffic only.
 - b) Long Lake Rd., south and west traffic.
 - c) East River Rd., north and south traffic.
 - d) Paul Rd., north traffic only.
 - e) Monument Rd., north and south traffic.

15. Stop signs on CTH K. Intersections of:
 - a) Long Lake Rd., south traffic only.
 - b) Jodar Dr., north traffic only.

- c) Winkler Rd., south traffic only.
- d) Boettcher Rd., north and south traffic.
- e) Bastian Rd., north and south traffic.
- f) Holmes Rd., north traffic only.

16. Stop signs on CTH KK. Intersections of:

- a) Harvester Rd., north traffic only.
- b) Haen Rd., south traffic only.
- c) Brant-St John Rd., north traffic only.
- d) Military Rd., north traffic only.
- e) State Park Rd., north and south traffic.
- f) Hopfensberger Rd., north and south traffic.
- g) Handel Dr., north traffic only.
- h) Hank Dr., south traffic only.
- i) Gina Dr., north traffic only.
- j) Brux Rd., south traffic only.
- k) Otte Ct., north traffic only.
- l) Rogers Rd., south traffic only.
- m) Darboy Dr., north traffic only.
- n) Noe Rd., north traffic only.
- o) Main St., south traffic only.
- p) Kamkes Ave., south traffic only.
- q) Creekside Ct., south traffic only.
- r) Golden Way, north traffic only.
- s) Coop Rd., north traffic only.

17. Stop signs on CTH LP. Intersections of:

- a) Woodland Rd., west traffic only.
- b) Manitowoc Rd., east and west traffic.
- c) CTH AP, east and west traffic.

18. Stop signs on CTH M. Intersections of:

- a) Stumpf Ave., east traffic only.
- b) Leslie St., east traffic only.
- c) Nottingham Way, west traffic only.
- d) Robinhood Dr., west traffic only.
- e) Kesler Rd., east and west traffic.
- f) Harwood Rd., south traffic only.
- g) Schaefer Rd., east and west traffic.
- h) Elm Rd., west traffic only.

19. Stop signs on CTH N. Intersections of:

- a) Kuepper Rd., west traffic only.
- b) Woodland Rd., east traffic only.
- c) Manitowoc Rd., east and west traffic.
- d) Schmidt Rd., east and west traffic.
- e) Hoelzel Way, east traffic only.
- f) Jochman Dr., west traffic only.
- g) Hearthstone Rd., east traffic only.

19. Stop signs on CTH N. Intersections of: (Continued)

- h) Van's Rd., west traffic only.
- i) Mary Dr., east traffic only. (south)

- j) Macky Dr., west traffic only.
- k) Mary Dr., east traffic only. (north)

20. Stop signs on CTH PP. Intersections of:

- a) Irish Rd., north and south traffic.
- b) Hilbert Rd., north and south traffic.
- c) Reimer Rd., south traffic only.
- d) Hillcrest Ln., north traffic only.
- e) CTH Y, north traffic only.
- f) Center St., south traffic only.
- g) Market St., north traffic only.
- h) Pheasant St., north traffic only.
- i) Monument Rd., west traffic only.
- j) CTH JJ, west traffic only.
- k) Monument Rd., north traffic only.
- l) Behnke Rd., west traffic only.
- m) East River Rd., west traffic only.
- n) Voss Rd., east and west traffic.
- o) S. Deerview Rd., south traffic only.
- p) Deerview Rd., east and west traffic.
- q) Sunset Dr., north traffic only. (south)
- r) Ridgeway Dr., west traffic only.
- s) Sewage Plant Driveway, east traffic only.
- t) Sunset Dr., east and south traffic. (north)
- u) Hacker Rd., east and west traffic.
- v) Harvester Rd., east and west traffic.
- w) Rusch Rd., east and west traffic.
- x) CTH K, east and west traffic.
- y) Mancal Rd., east traffic only.

21. Stop signs on CTH S. Intersections of:

- a) Kees Rd., north and south traffic.

22. Stop signs on CTH T. Intersections of:

- a) Tecumseh Rd., east and west traffic.
- b) Charlesburg Rd., east and west traffic.
- c) Danes Rd., east and west traffic.
- d) Stahl Rd., southwest traffic only.
- e) Honeymoon Hill Rd., northeast traffic only.
- f) Buhl Rd., south and west traffic.
- g) Church Rd., south traffic only.
- h) Quarry Rd., east traffic only.
- i) Hayton Rd., north traffic only.

23. Stop signs on CTH X. Intersections of:

- a) Meggers Rd., south traffic only.
- b) Seven Corners Rd., north traffic only.
- c) CTH T, south traffic only.
- d) Rabe's Hilltop Rd., north traffic only.
- e) Clark Dr., north traffic only.
- f) CTH J, north and south traffic.
- g) CTH J, east and west traffic.
- h) STH 32/57, west traffic only.

24. Stop signs on CTH Y. Intersections of:
- a) Spring St., south traffic only.
 - b) Park St., north traffic only.
 - c) Main St., south traffic only.
 - d) Commerce St., west traffic only.
 - e) Columbia St., southeast and northwest traffic.
 - f) Mill St., south traffic only.
 - g) Pennsylvania Ave., northwest traffic only.
 - h) Douglas St., north traffic only.
 - i) Grand St., southeast traffic only.
 - j) Adams St., north traffic only.
 - k) Walnut St., southeast traffic only.
 - l) High St., south traffic only.
 - m) Fulton St., south traffic only.
 - n) Wall St., east and west traffic.
 - o) Graves St., east and west traffic.
 - p) Breed St., north traffic only.
 - q) Liberty St., north traffic only.
 - r) Irish Rd., north and south traffic.
 - s) Riverview Heights Ct., north traffic only.
 - t) Weeks Rd., northwest and southeast traffic.
 - u) Aebischer Rd., west traffic only.
 - v) Steiner Rd., east traffic only.
 - w) CTH E, north traffic only.
 - x) Riverview Rd., west and north traffic.
 - y) Lau Rd., east traffic only.
 - z) Ortlepp Rd., east and west traffic.
 - aa) Drier Rd., east traffic only.
 - bb) Schneider Rd., southeast traffic only.
 - cc) West River Rd., northwest traffic only.
 - dd) Vista Ln., west traffic only.
 - ee) Woodside Dr., west traffic only.
 - ff) Riverdale Dr., east and west traffic.

(Ord. No. 40, 12-19-72; Ord. 42, 5-22-73; Ord. 1981-1, 5-19-81; Ord. 1985-10, 2-25-86; Ord. 1986-5, 9-16-86; Ord. 1986-11, 3-16-87; Ord. 1999-14, 11-01-99; Ord. 2002-21, 2-18-2003; Ord. 2003-6, 6-17-03; 2003-18, 12-16-03).

32-73 YIELD SIGNS

- 1. CTH F
 - a) At the intersection with State Road (southwest bound)

32-74 NO PARKING ZONES

CTH AP	No Parking Anytime From Huckleberry Lane to USH 10	Total Length 7,820 feet
CTH AP	No Parking From CTH KK to 1,220 feet south of CTH KK	Total Length 1,330 feet

CTH BB	No Parking Here to Corner (south bound) From CTH E to 90 feet south of CTH E	Total Length 90 feet
CTH BB	No Parking Here to Corner (north bound) From 150 feet south of CTH E to CTH E	Total Length 150 feet
CTH BB	No Parking During School Hours From 85 feet south of Stephan Ave to 90 feet north of Stephan Ave.	Total Length 175 feet
CTH E	No Parking Here to Corner From 155 feet west of CTH BB to CTH BB	Total Length 155 feet
CTH F	No Parking Here to Corner From 180 feet east of Moehrke Rd. to Moehrke Rd.	Total Length 180 feet
CTH H	No Parking This Side of Street From 700 feet west of Plymouth St. to 1,640 feet west of Plymouth St.	Total Length 940 feet
CTH KK	No Parking Anytime (west bound) From 155 feet east of Hank Dr. to N. Coop Rd.	Total Length 6,398 feet
CTH KK	No Parking Anytime (east bound) From N. Coop Rd. to 135 feet west of Handel Dr.	Total Length 6,536 feet
CTH N	No Parking Anytime (south bound) From CTH KK to Hoelzel Way	Total Length 4,320 feet
CTH N	No Parking anytime (north bound) From 450 feet north of Hoelzel Way to CTH KK	Total Length 3,856 feet
CTH PP	No Parking Here to Corner From CTH Y to 70 feet east of CTH Y	Total Length 70 feet
CTH PP	No Parking Here to Corner From 65 feet west of Market St. to Market St.	Total Length 65 feet
CTH Y	No Parking Here to Corner From 90 feet north of Main St. to Main St.	Total Length 90 feet
CTH Y	No Parking Here to Corner From STH 32/57 to 75 feet east of STH 32/57	Total Length 75 feet

32-75 PARALLEL PARKING ONLY

CTH M	STH 55/114 to Kesler Rd. (north bound)	Total Length 4,400 feet
CTH Y	CTH PP to 170 feet north of Vista Lane	Total Length 1,200 feet

(Ord. No. 42, 5-22-73)

32-76 WINTER PARKING REGULATIONS

No Parking
1 am to 8 am
Nov 15 to Apr 1

CTH A From CTH Q to 2,422 feet north of CTH Q Total Length 2,422 feet

CTH PP Total Length 5,754 feet
From 890 feet east of Reimer Rd. to 814 feet east of Pheasant St.

CTH Y From CTH PP to 120 feet south of Vista Ln Total Length 1,489 feet

No Parking
2:30 am to 6 am
Nov 15 to Mar 31

CTH E Total Length 2,195 feet
From 1,165 feet west of STH 55 to 1,030 feet east of STH 55

32-77 CLASS B WEIGHT LIMIT

CTH BB From USH 10 to CTH B Total Length 15,836 feet

Chapter 34

HUMAN SERVICES*

* **Cross References:** Administration, ch. 2.

Sec. 34-1. Establishing human services committee and human services director.

Sec. 34-2. General relief program.

Sec. 34-3. Senior resource center and committee.

Sec. 34-1. Establishing human services committee and human services director.

(a) *Findings.* In August, 1982, the County Board determined that consolidation of the Social Services Department and the Unified Board would result in a more efficient, coordinated Human Services Department and would be more responsive to the needs of our citizens.

(b) *Creation of a single department.* The County Board, upon the approval of the Secretary of the Department of Health and Social Services, hereby create the Department of Human Services.

(c) *Composition of committee.* A human services committee shall be created consisting of nine members, appointed by the County Board. The committee members shall consist of nine persons, three of whom are non-supervisors consistent with the Rules of the County Board.
(Res. No. 1982-61, 2-15-1983)

Sec. 34-2. General relief program.

(a) The general relief program may include the following components:

(1) The county may provide nonemergency/nonhospital medical benefits, burials and shelter grants. Benefits will be considered as last resort payments.

(2) The county establishes a six-month residency policy for all applicants except supplemental security interim assistance cases.

(3) The county department of human services shall establish specific eligibility and benefit requirements for the program, including the income and asset eligibility requirements, the grant levels allowed, work program requirements, and the length of eligibility for general relief services.

(b) The county department of human services shall establish standards for making eligibility determinations, appeals, fair hearings, and reporting requirements, that meet the requirements of the state department of health and social services.

(c) The county board delegates the administration of the general relief program to the county department of human services for implementation and operation.
(Res. No. 1998-8, 5-19-1998)

Sec. 34-3. Senior resource center and committee.

(a) The department of human services is also designated as the senior resource center, pursuant to Wis. Stats. § 46.82.

(b) The senior resource committee shall act to improve the quality of life of the senior

citizens of the county. The members of the committee shall be appointed by the county administrator, subject to confirmation by the county board for two-year nonstaggered terms with a maximum of service of six years. The committee shall consist of nine persons of which at least 51 percent of the members shall be senior citizens, 60 years of age or over and at least three members shall be county board supervisors. The committee shall be representative of all income levels and minority backgrounds of the older adult population of the county. Individuals with real or potential conflict of interest through their employment by agencies funded by the county may not be appointed to the committee.

- (c) Responsibilities of the senior resource committee shall be as follows:
 - (1) Serves as an advisory committee;
 - (2) Compile and distribute information about older adults;
 - (3) Review the annual plan;
 - (4) Review proposals relating to matters affecting older people;
 - (5) Provide information to individuals, groups and the community about the needs, interests, circumstances and services available to older people;
 - (6) Identify and encourage the development of opportunities which enable older people to fully contribute to the welfare of the community;
 - (7) Advocate on behalf of older adults.
 - (8) Monitor the nutrition, transportation and other programs provided by the department.
(Ord. No. 1990-1, §§ 2--10, 4-17-1990; Res. No. 2002-11, 7-16-2002)
Cross References: Administration, ch. 2.

Chapters 35--37

RESERVED

Chapter 38

LAW ENFORCEMENT*

* **Cross References:** Administration, ch. 2; emergency services, ch. 14; offenses and miscellaneous provisions, ch. 42; traffic and vehicles, ch. 70.

Sec. 38-1. Setting charges for incarcerated persons.

Sec. 38-2. Sheriff fees in real estate sales.

Sec. 38-3. Abandoned or unclaimed property.

Sec. 38-1. Setting charges for incarcerated persons.

(a) *Maintenance and board for county jail prisoners.*

(1) *Authority.* This section is enacted pursuant to authority given to the county under Wis. Stats. §§ 302.388, 302.372 and 302.38(2), and 303.08(4).

(2) *Intent.* It is the intent of this section that persons incarcerated in the county jail shall, to the extent authorized by law, be responsible for paying for the cost of their incarceration. This section applies to any expenses incurred by the County in relation to the crime for which a person was sentenced to a county jail, or which the person was placed on probation and confined to jail.

(3) *Cost of maintenance.* The actual per day cost of maintaining a prisoner is determined to be as follows:

- a. Huber-privileged inmates: The sum of \$17.00 per day, together with a one-time processing fee, per incident, of \$25.00.
- b. Home detention participants: The sum of \$17.00 per day, together with a one-time processing fee, per incident, of \$25.00.
- c. Ordinary confinement: The sum of \$20.00 per day, together with a one-time processing fee, per incident, of \$25.00.
- d. Medical expenses: For medical expenses incurred by the county for the actual costs of medical expenses.
- e. Safekeeper rate for housing out-of-county inmates: \$55.00 per day.
- f. Municipalities, which house inmates for nonpayment of municipal violations shall be charged \$50.00 per day.

(b) *No duplication of expenses.* The county shall not recover the same expenses twice.

(c) *Reimbursement form.* Each person confined to the county jail shall be required to complete a financial disclosure form provided by the sheriff. This form shall provide for obtaining the social security number, age and marital status of a prisoner, the number and ages of children of a prisoner, the income of a prisoner, the type and value of real estate owned by a prisoner, the type and value of personal property of a prisoner, a prisoner's cash and financial institution accounts, the types of values of a prisoner's investments, any pension plans and annuities of a prisoner, and any other personal

significant cash value owned by a prisoner. This form shall be used by the sheriff, the district attorney, and the corporation counsel to make reimbursement and to investigate the financial status of the prisoner. The information on the completed form is not a public record except that the county shall provide the information from the form in response to a request for information under Wis. Stats. § 49.22(2m) made by the state department of workforce development or under Wis. Stats. § 59.53(5) made by the child support agency.

(d) *Institutional accounts.* The sheriff may charge a prisoner for the expenses set forth in this section, while he is a prisoner; plus the costs to investigate the financial status of the prisoner and the expenses of collection.

- (1) If the sheriff maintains an institutional account for a prisoner's use for payment of items from the canteen, vending, or similar services, the sheriff may make deductions from the account to pay for the expenses set forth in this section. If the prisoner has a balance due for expenses under this section, from prior incarcerations, any institutional account created as part of a subsequent incarceration may be used to recover the sums due from the prior incarceration.
- (2) If the sheriff maintains an account of a Huber prisoner pursuant to Wis. Stats. § 303.08(3), the sheriff may make deductions from the account to pay for the expenses set forth in this section, subject to the limitations of Wis. Stats. § 303.08(5).

(e) *Prepayment.* Because participation in a home detention program is discretionary with the sheriff, the sheriff may require prepayment of the expenses set forth in this section as a requirement for participation in the program.

(f) *Wages of a prisoner.* The wages, salary, and unemployment training benefits received by prisoners shall be divided by the sheriff for the following purposes, in the order stated:

- (1) Necessary travel expense to and from work;
- (2) Court-ordered support of the prisoner's dependents, if any;
- (3) Expenses owed to the county under this section;
- (4) Payment, either in full or ratably, of the prisoner's obligations acknowledged by the prisoner in writing or which have been reduced to judgment;
- (5) The balance, if any, to the prisoner upon the prisoner's discharge.

(g) *Prisoner cooperation.* A prisoner shall cooperate with the sheriff in seeking reimbursement for expenses incurred for that prisoner. A prisoner who intentionally refuses to cooperate may not earn good-time credit under Wis. Stats. § 302.43 or diminution of sentence under Wis. Stats. § 303.19(3).

(h) *Action for reimbursement.* Within 12 months after the release of a prisoner from jail, the county may commence an action in circuit court to recover the expenses under this section, plus the costs to investigate the financial status of the prisoner and the expenses of collection not otherwise recovered or be barred.

(i) *Proceeds.* Any sums collected under this section shall be deposited with the county treasurer, except to the extent that the portion of the sums collected for meals for Huber prisoners are subject to sales tax which shall be assessed and forwarded to the department of revenue.

(Ord. No. 2001-18, §§ 2--10, 2-19-2002, Ord. No. 2005-08, §1(a)(2), 7-19-05; Ord. No. 2005-12, §1(a)(3)f, 9-27-05.)

Sec. 38-2. Sheriff fees in real estate sales.

The county sheriff shall collect fees for real estate sales, per Wis. Stats. § 814.705(2), unless a higher fee under Wis. Stats. § 814.705(1)(a) is applicable. Such fee shall be set at \$150.00.
(Ord. No. 1997-18, § 1, 2-17-1998)

Sec. 38-3. Abandoned or unclaimed property.

(a) All personal property which has been abandoned or remains unclaimed for a period of 30 days, including bicycles or parts thereof, may be disposed of by public sale, conversion to public use, donation to charity or by junking or salvage. The method of disposal shall be at the sole option of the sheriff and as may be in the best interest of the county. If the owner of the property is known, the 30-day period shall commence on the date of mailing a notice by registered mail to the owner's last known address. If ownership is unknown, the 30 days shall commence on the date the property is taken into possession by the sheriff/traffic department.

(b) Any property remaining unclaimed beyond the 30 days shall be subject to a per day storage fee as set by the board from time to time, commencing with the expiration of the 30-day period and continuing until the property is reclaimed or disposed of. Such storage fee shall be assessed by the sheriff.

(Ord. No. 1988-10, §§ 2, 3, 9-27-1988)

Chapters 39--41

RESERVED

Chapter 42

OFFENSES AND MISCELLANEOUS PROVISIONS*

* **Cross References:** Law enforcement, ch. 38; traffic and vehicles, ch. 70.

Sec. 42-1. Penalty for violation of chapter.

Sec. 42-2. Offenses against state law subject to forfeiture.

Sec. 42-3. Public peace and good order.

Sec. 42-4. Truancy and school dropouts.

Sec. 42-5. Curfew.

Sec. 42-6. Assemblage of large numbers of people.

Sec. 42-1. Penalty for violation of chapter.

Except as otherwise provided, any person who shall violate any of the provisions of this chapter shall be subject to sections 1-7 and 1-8 of this Code.

Sec. 42-2. Offenses against state law subject to forfeiture.

(a) The following state statutes are adopted and incorporated as if fully set forth in this section by reference, as amended from time to time.

(1) Bodily security.

Wis. Stats. § 940.19

Battery

Wis. Stats. § 947.013(1m)a and b

Harassment

(2) Public health and safety.

Wis. Stats. § 254.76

Careless smoking

Wis. Stats. § 938.983

Possession,
purchase of tobacco
by child

Wis. Stats. § 941.10

Negligent handling
of burning materials

Wis. Stats. § 941.13

False fire alarms

Wis. Stats. § 941.20

Shooting within 100
yards of dwelling

Wis. Stats. § 941.23

Carrying concealed
weapons

Wis. Stats. § 941.237

Carrying handgun
where alcohol is
sold

Wis. Stats. § 941.24

Possession of
switchblade

Wis. Stats. § 941.299

Use laser pointer at
law enforcement
officer

Wis. Stats. § 941.2965

Restrictions on use
of facsimile firearms

Wis. Stats. § 941.295

Possession of
electric weapon

(3) Crimes against property.

Wis. Stats. § 943.01

Damage to property
(vandalism)

Wis. Stats. § 943.13

Criminal trespass to
land

Wis. Stats. § 943.14

Criminal trespass to
dwelling

Wis. Stats. § 943.15

Entry onto
construction site

Wis. Stats. § 943.20

Petty theft

Wis. Stats. § 943.21

Fraud on a hotel or
restaurant keeper

Wis. Stats. § 943.24

Issuing worthless
checks

Wis. Stats. § 943.34

Receiving stolen
property

Wis. Stats. § 943.37

Alteration of
property
identification marks

Wis. Stats. § 943.46

Theft of cable
services

Wis. Stats. § 943.47

Theft of satellite
programming

Wis. Stats. § 943.50

Retail theft –
shoplifting

Wis. Stats. § 943.55

Theft of shopping
cart

Wis. Stats. § 943.61

Theft of library
materials

Wis. Stats. § 943.70

Computer crimes

Wis. Stats. §943.017

Graffiti

Wis. Stats. §943.11

Entry into Locked
Vehicle

Wis. Stats. §943.215

Absconding without
paying rent

Wis. Stats. §943.75

Unauthorized
release of animals

(4) Sex crimes.

Wis. Stats. § 944.15

Public Fornication

Wis. Stats. § 944.17

Sexual gratification

Wis. Stats. § 944.20

Lewd and lascivious
behavior

(5) Interference with law enforcement.

Wis. Stats. § 941.37	Obstruct rescue or emergency personnel
Wis. Stats. § 946.41	Obstructing officers
Wis. Stats. § 946.70	Impersonating police officer

(6) Public peace.

Wis. Stats. § 167.10	Fireworks, sale, possession, discharge
Wis. Stats. § 945.03	Commercial Gambling
Wis. Stats. § 945.02	Gambling
Wis. Stats. § 947.01	Disorderly conduct
Wis. Stats. § 947.012	Unlawful use of telephone
Wis. Stats. § 947.0125	Unlawful use of computerized comm. System
Wis. Stats. § 947.04	Drinking in common carriers.
Wis. Stats. § 947.06	Unlawful assemblies and their suppression
Wis. Stats. § 948.51	Hazing

(7) Alcohol.

Wis. Stats. Chapter 125

(8) Controlled substances.

Wis. Stats. § 941.315	Possession with intent to inhale/nitrous oxide
Wis. Stats. § 961.41	Possession of marijuana (25 gms or less, first violation)
Wis. Stats. § 961.573	Possession of drug paraphernalia
Wis. Stats. § 961.574	Manufacture or delivery of drug paraphernalia
Wis. Stats. § 961.575	Delivery of drug paraphernalia

(b) For purposes of charging and prosecution of any forfeiture action under this section, the county

hereby adopts Wis. Stats. § 939.05, party to a crime, and Wis. Stats. § 939.32, attempt.

Sec. 42-3. Public peace and good order.

Enumeration of offenses. The following shall be prohibited or restricted, pursuant to Wis. Stats. §59.54(6):

- (1) *Carrying concealed weapons.* No person, except law enforcement, shall carry or wear concealed about his person any pistol, revolver, firearm, slingshot, cross-knuckle of lead, brass, or other metal, Bowie knife, dirk, dagger, or any other dangerous or deadly weapons.
- (2) *Throwing or shooting of stones and other missiles.* No person shall throw or shoot any object, stone, snowball, or other missile of projection, by hand or any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place.
- (3) *Disorderly conduct with an automobile.* No person shall cause any loud or discordant, unnecessary noises or vibrations of any kind, including tire squealing or horn blowing.
- (4) *Interference with fire alarm/fire extinguishing systems.* No person shall intentionally interfere with the proper functioning of a fire alarm system, nor shall anyone interfere with, tamper with, or remove without authorization any fire extinguisher, fire hose or any other fire equipment.
- (5) *Interference with fire hydrants.* No person shall intentionally interfere with the accessibility to a fire hydrant, by blocking it, or by piling or dumping materials near it, without first obtaining permission from the appropriate municipal authority.

Sec. 42-4. Truancy and school dropouts.

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

Dropout means as given in Wis. Stats. § 118.153(1)(b).

Habitual truant means as given in Wis. Stats. § 118.16(1)(a).

Operating privilege means as given in Wis. Stats. § 340.01(40).

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

(b) *Truancy generally; disposition.* No person under 18 years of age shall become truant. Dispositions available to the court are as follows:

- (1) An order for the person to attend school.
- (2) A forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to Wis. Stats. § 938.37 and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed

during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

- (3) An order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in Wis. Stats. § 938.342(1d)(c).

(c) *Habitual truancy; disposition.* No person under 18 years of age shall become a habitual truant. The following dispositions are available to the court:

- (1) Suspension of the person's operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.
- (2) An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stats. § 938.34(5g). The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. The county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this subsection acting in good faith has immunity from any civil liability in excess of \$25,000.00 for any act or omission by or impacting on that person.
- (3) An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.
- (4) An order for the person to attend an educational program as described in Wis. Stats. § 938.34(7d).
- (5) An order for the department of workforce development to revoke, under Wis. Stats. § 103.72, a permit under Wis. Stats. § 103.70 authorizing the employment of the person.
- (6) An order for the person to be placed in a teen court program as described in Wis. Stats. § 938.342(1g)(f).
- (7) An order for the person to attend school.
- (8) A forfeiture of not more than \$500.00 plus costs, subject to Wis. Stats. § 938.37. All or part of the forfeiture, plus costs, may be assessed against the person, the parents or guardian of the person, or both.
- (9) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions on going to or remaining on specified premises and restrictions on associating with other children or adults.
- (10) An order placing the person under formal or informal supervision, as described in Wis. Stats. § 938.34(2), for up to one year.

(11) An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

(12) An order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in Wis. Stats. § 938.342(1g)(k).

(d) *Suspension of vehicle operating privilege.*

(1) A court may suspend the vehicle operating privilege of a person who is at least 16 years of age but less than 18 years of age and is a dropout. The court may suspend the person's vehicle operating privilege until the person reaches the age of 18. The court shall immediately take possession of any suspended license and forward it to the department of transportation, together with a notice stating the reason for and the duration of the suspension.

(2) A court may order a school district to provide to the court a list of all persons who are known to the school district to be dropouts and who reside within the county. Upon request, the department of transportation shall assist the court to determine which dropouts have vehicle operating privileges.

(e) *Enforcement of section provisions.* This section may be enforced in that part of any city or village located in the county and in any town located in the county regardless of whether the city, village or town has enacted an ordinance under subsection (b), (c) or (d) of this section.

(f) *Underage persons.* A person who is under 17 years of age on the date of disposition is subject to Wis. Stats. § 938.342.
(Ord. No. 1999-5, 7-20-1999)

Sec. 42-5. Curfew.

(a) *Prohibited acts.* No child 17 years of age or under shall loiter, idle or remain and no parent or guardian shall knowingly permit his child or ward of such age to loiter, idle or remain in or upon any of the streets, alleys or public places in the county between 11:00 p.m. and 5:00 a.m.

(b) *Exceptions.* It shall NOT be a violation of this section for a child to be in a public place between the hours of 11:00 p.m. and 5:00 a.m. if:

1. The child is accompanied by his/her parent(s) or guardian;
2. The child is participating in, going to or returning from lawful employment, a school-sanctioned activity, or a religious event;
3. The child is engaging in any activities protected by the First Amendment;
4. The child is involved in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
5. The child is involved in any activity conducted by a non-profit or governmental entity that provides recreation, education, training or other care under the supervision of one or more adults; or
6. The child is involved in transportation either within or without the state;

(c) *Probable Cause.* Before an officer may issue a citation, he/she must have probable cause to

believe the child has violated the curfew ordinance and that no defense exists. The officer shall make reasonable inquiries as to why the minor is in a public place during curfew hours.

(d) *Penalty.* Any person under the age of 17 years old who shall violate this section shall forfeit an amount not more than \$100.00. Such amount shall double for all subsequent violations. Any parent, guardian or other person having legal custody of a child under the age of 17 years who violates this section shall forfeit an amount not more than \$100.00. Such amount shall double for all subsequent violations.

(Ord. No. 2003-21, 12-16-2004, Ord. No. 2005-04 , 6-21-05.)

Sec. 42-6. Assemblage of large numbers of people.

(a) *Purpose of section.* It is the purpose of the county board of supervisors to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the county, in order that the health, safety and welfare of all persons in the county, residents and visitors alike, may be protected.

(b) *License required.*

- (1) No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly of 2,500 or more people which continues or can reasonably be expected to continue for 8 or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the protection of persons and property committee, application for which must be made at least 60 days in advance of the assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.
- (2) As used in this section, the term "person" means any individual, natural, human being, partnership, corporation, firm, company, association, society or group; and the term "assembly" means a company of persons gathered together at any location at any single time for any purpose.
- (3) A separate license shall be required for each day and each location in which 2,500 or more people assemble or can reasonably be anticipated to assemble. The fee for each license shall be \$500.00.
- (4) A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.
- (5) The license shall not permit the sound of the assembly to carry unreasonably beyond the boundaries of the location of the assembly.
- (6) This section shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.
- (7) This section shall not apply to government sponsored fairs held on regularly established

fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of the county.

- (c) *Conditions for issuing license.* Before a license may be issued the applicant shall first:
- (1) Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly, and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the county;
 - (2) If determined necessary by the protection of persons and property committee, provide proof that he will furnish at his own expense before the assembly commences:
 - a. A fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near four opposite points of the compass;
 - b. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and water for bathing at the rate of at least ten gallons per person per day;
 - c. Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males together with an efficient, sanitary means of disposing of waste matter deposited which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet;
 - d. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight-fitting lids and personnel to perform the task;
 - e. Physicians and nurses licensed to practice in the state sufficient to provide the average medical care enjoyed by residents of the state for the maximum number of people to be assembled at the rate of at least one physician for every 1,000 people and at least one nurse for every 1,500 people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times;
 - f. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five footcandles, but not to shine unreasonably beyond the boundaries of the enclosed location of the

assembly;

- g. A parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons;
- h. Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 persons;
- i. If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and ordinances of this county, sufficient to provide camping accommodations for the maximum number of people to be assembled;
- j. Security guards either regularly employed, duly sworn, off-duty state peace officers or private guards, licensed in the state, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 people;
- k. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of this county, and sufficient emergency personnel to efficiently operate the required equipment;
- l. All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly;
- m. A bond, filed with the county clerk, either in cash or underwritten by a surety company licensed to do business in the state in an amount of not less than \$25,000.00, or as otherwise directed by the protection of persons and property committee which shall indemnify and hold harmless the county or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license and from any cost incurred in cleaning up any waste material produced or left by the assembly.

(d) *Application.*

- (1) Application for a license to hold an actual or anticipated assembly of 2,500 or more persons shall be made in writing to the protection of persons and property committee at least 60 days in advance of such assembly.
- (2) The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application, in the case of an individual, natural, human being; by all officers, in the case of a corporation; by all partners, in the case of a partnership; or by all officers of an unincorporated association, society or group or, if there are no officers, by all members of such association, society or group.

- (3) The application shall contain and disclose:
- a. The name, age, residence and mailing address of all persons required to sign the application by subsection (d)(2) of this section and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten percent or more of the stock of such corporation;
 - b. The address and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owners of all such property;
 - c. Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owners of all such property that the applicant has permission to use such property for an assembly of 2,500 or more persons;
 - d. The nature or purpose of the assembly;
 - e. The total number of days and/or hours during which the assembly is to last;
 - f. The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, (in consideration of the nature of the assembly) or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the county if the assembly is to continue overnight;
 - g. The maximum number of tickets to be sold, if any;
 - h. The plans of the applicant to limit the maximum number of people permitted to assemble;
 - i. The plans for fencing the location of the assembly and the gates contained in such fence;
 - j. The plans for supplying potable water including the source, amount available and location of outlets;
 - k. The plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of waste deposited;
 - l. The plans for holding, collection, and disposing of solid waste material;
 - m. The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;

- n. The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps;
- o. The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;
- p. The plans for telephone service including the source number and location of telephones;
- q. The plans for camping facilities, if any, including facilities available and their location;
- r. The plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability;
- s. The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment;
- t. The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers;
- u. The plans for food concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers.

- (4) The application shall include the bond required in subsection (c)(2)m of this section, and the license fee.
- (5) The protection of persons and property committee may also assess against the applicant a charge in an amount sufficient to cover the anticipated additional costs to law enforcement, including traffic control, crowd control and security issues.

(e) *Issuance.* The application for a license shall be processed within 45 days of receipt and shall be issued if all conditions are complied with.

(f) *Revocation.* The license may be revoked by the protection of persons and property committee at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

(g) *Enforcement.*

- (1) The provisions of this section may be enforced by injunction in any court of competent jurisdiction.
- (2) The holding of an assembly in violation of any provision or condition contained in this section shall be deemed a public nuisance and may be abated as such.
- (3) Any person who violates subsection (b)(1) of this section or who violates any

condition upon which he is granted a license may be fined not less than \$1,000.00 nor more than \$10,000.00. Each day of violation shall be considered a separate offense.

(Ord. No. 29, §§ I--VII, 8-18-1970)

Chapters 43--45

RESERVED

Chapter 46

PARKS AND RECREATION*

* **Cross References:** Environment, ch. 18; streets, sidewalks and other public places, ch. 58; waterways, ch. 78.

- Sec. 46-1. Introduction and application.
- Sec. 46-2. General park provisions.
- Sec. 46-3. Motor vehicles and snowmobiles.
- Sec. 46-4. Parking regulations.
- Sec. 46-5. Camping.
- Sec. 46-6. Harbor and water regulations.
- Sec. 46-7. Fire control.
- Sec. 46-8. Intoxicating liquor.
- Sec. 46-9. Penalty for violation of chapter.

Sec. 46-1. Introduction and application

This chapter shall effect and regulate the hours and use of the county parks as follows:

Calumet County Park, located in the Town of Stockbridge
Stockbridge Harbor, located in the Village of Stockbridge
Ledge View, located in the Town of Chilton
Becker's Lake, located in the Town of Rantoul
Brothertown Harbor, located in the Town of Brothertown
Friendship State Recreational Trail a/k/a Friendship Trail, runs through Calumet County
Fox River Trail, runs through Calumet County
and any future county park.

The Parks Director and staff may enforce Chapter 46.

Sec. 46-2. General park provisions.

- (a) *Park areas and hours regulated.*
 - (1) No person shall be in or upon County Park, Stockbridge Harbor, Brothertown Harbor, Friendship Trail or Becker's Lake during the hours from 11:00 p.m. to daylight unless registered for camping or by specific permission of the Parks Director or staff.
 - (2) No person shall be in or upon Ledge View during the hours from sunset to sunrise unless given specific permission by the Parks Director or staff.
 - (3) Quiet hours begin at 11:00 p.m. and end at 8:00 a.m. No person or persons shall do anything to breach the quiet during these hours.
 - (4) Bands or DJ's are not permitted in any county park except by specific permission of the Parks Director or staff.
 - (5) No hikers, bicycles or pets are permitted on any cross country ski trail in any

county park during cross country ski season as determined by the Parks Director. Bicycles are not permitted on the trails in Ledge Park.

- (6) No person shall use the sled hill or tube hill in County Park if posted closed as determined by the Parks Director or staff.
- (7) No person shall bike on the mountain bike trails if posted closed as determined by the Parks Director or staff.
- (8) No pets are permitted on the tube hill in any county park during normal tube hill operating hours as determined by the Parks Director or staff.
- (9) The Parks Director or staff shall post a copy of the county park polices in a conspicuous place, as amended from time to time.

(b) *Damage to park property.*

- (1) No person shall cut down, root up, sever, injure or carry away when severed any shade tree or other tree or shrub growing in any county park.
- (2) No person shall pick any nuts, fruits, berries, wild flowers, or anything that grows within any county park.
- (3) No person or persons shall throw or otherwise deposit or leave litter upon the grounds in any county park.
- (4) No person shall dispose of any type of sewage from any recreational vehicle or any other source on the grounds in any county park.
- (5) The placing, throwing or disposing of any type of refuse in the dumpsters located in the maintenance area of any county park is prohibited except for trash and recyclable material generated in normal park use. Normal park use includes camping, picnicking, boating, and hiking.

(c) *Disorderly conduct.* No person shall engage in violent, abusive, unreasonably loud, boisterous, vulgar, lewd, wanton, obscene or otherwise tending to create or provoke a breach of peace or annoy others at any time in any county park.

(d) *Firearms and weapons control.*

- (1) No person other than a sheriff, constable, police officer, or deputy shall fire or discharge any firearm, rifle, spring or air gun of any description or shoot any tipped arrows in any county park.
- (2) No person shall have in their possession in any county park any firearm or air gun, as defined by statute, unless unloaded and enclosed in a carrying case, or any bow, unless unstrung and enclosed in a carrying case.

(e) *Animal control.*

- (1) No person shall take, catch, hunt, kill, trap, pursue or otherwise disturb any wild animals or birds in any county park.
 - (2) No person at any time shall have any pet or any other animal of any kind on or in any county park, which animal is not quiet or which is not under the immediate control or restrained by a leash, chain, rope, or kept within a cage, kennel or other enclosure as determined by the Parks Director or staff.
 - (3) Pet owners shall immediately clean up after their pets and properly dispose of waste material. No pets shall be tied up to any park trees or equipment at any time.
 - (4) The Parks Director or staff is empowered to remove or destroy, or authorize the removal or destruction of, vicious or nuisance animals for the protection of persons or property in any county park, to the extent of law.
- (f) *Horses.* No person shall drive or ride any horse in any county park except on the paved roads and established bridle paths therein.
- (g) *Caves.*
- (1) No person shall enter or be inside any cave at any county park unless accompanied and/or supervised by park staff, except with the specific permission of the Parks Director or staff.
 - (2) No person shall damage any caves at Ledge View Park.
- (h) *Tube hill.*
- (1) No person shall use the towrope or rent a tube without paying all applicable fees prior to using the towrope or rental tube.
 - (2) Only acceptable inflatable tubes and towropes, as determined by the Parks Director or staff, are permitted on the designated tube hill.
- (i) *Ledge View Park.* In order to protect the grounds and plant life, no person shall leave the marked trails of Ledge View Park without the permission of the Parks Director or staff.

Sec. 46-3. Motor vehicles and snowmobiles.

- (a) No person shall operate any vehicle, as defined in Wis. Stats. § 340.01(74), except on the road or parking lots located in any county park unless given specific permission by the Parks Director or staff.
- (b) No person shall operate any vehicle at a speed greater than 15 miles per hour on any road located within any county park.

- (c) No all-terrain vehicles (ATV's) are permitted on any part of any county park unless given specific permission by the Parks Director or staff.
- (d) Snowmobiles are not permitted on any part of any county park except designated snowmobile trails unless given specific permission by the Parks Director or staff.
- (e) Motorized vehicles are not permitted on the Friendship Trail and the Fox River Trail unless given specific permission by the Parks Director or staff. Snowmobiles are permitted during periods of snow when the county snowmobile trails are open as determined by the Parks Director.

Cross References: Traffic and vehicles, ch. 70.

Sec. 46-4. Parking regulations.

- (a) No person shall park any vehicle at any time in the following areas of County Park:
 - (1) At the north turnaround located directly west of the office.
 - (2) Along the west side of the road to and in the harbor area.
 - (3) On the north and south sides of the road leading to the tube hill during periods of natural snow.
 - (4) On the south turnaround in the County Park harbor area.
 - (5) In Stockbridge Harbor along the north parking lot boundary along the creek near the boat launch lanes, along both sides of the entrance road, around the bathroom curb as posted, against the curb along the west boundary of the parking lot as posted, and on any grassy area or service road.
- (b) No person shall park any vehicle at any time in the boat launch lanes and boat preparation lanes in any county park.
- (c) No person shall park any boat trailers without vehicle attached in any county park harbor parking lot without specific permission of the Parks Director or staff.
- (d) No person shall park any vehicle for more than 15 minutes in the following areas in County Park: Both sides of the road directly west of the bathhouse.
- (e) No person shall park any vehicle off the designated pads at campsites within the confines of any county park without specific permission of the Parks Director or staff.
- (f) No person other than park employees shall park in designated employee only parking areas as posted.
- (g) No vehicle shall be left in any park after 11:00 p.m. without the specific permission of the Parks Director or staff unless camping in Calumet County Park, ~~or~~ docking at Stockbridge Harbor or Brothertown Harbor. -When camping, a car pass must be properly displayed in

accordance with county policies and rules.

Sec. 46-5. Camping.

- (a) Camping is prohibited in any county park except in designated campsites unless specific permission is granted by the Parks Director or staff.
- (b) No person shall set up on their designated campsites without properly registering with the Parks Director or staff. Camping permits must be displayed at their designated campsite, with each camping unit properly registered and all fees paid prior to using the camping site in accordance with park policies.
- (c) No person shall use the dump station facility in any county park without paying all fees prior to using the facility.
- (d) No person shall camp in any county park longer than designated by county policy or rules.
- (e) No person shall have more camping units (tents, trailers, etc.) in a campsite than permitted under county policy or rules.
- (f) No person shall have more persons or vehicles staying on the campsite after 11:00 p.m. than permitted by county policy or rules.

Sec. 46-6. Harbor and water regulations.

Pursuant to the power authorized in Wis. Stats. § 30.77(2) and (3):

- (1) The county Parks Director or staff shall have complete supervision of the harbors located in any county park.
- (2) Every person who launches or lands a watercraft in any county park shall either purchase a daily launch permit or purchase a season launch permit prior to using facilities. Daily and seasonal permits must be properly displayed in accordance with park policies.
- (3) No person shall swim in any harbor/marina areas of any county park.
- (4) No watercraft shall cause a wake in any harbor or marina in any county park.
- (5) No persons shall camp, sleep, or in any manner stay on the boats in the harbor overnight in County Park. The only boats permitted in the harbor overnight are those being used by current properly registered campers who have a daily boat launch permit displayed in accordance with park policies unless given specific permission by the Parks Director or staff, or those boats that require safe harbor in an emergency situation.

- (6) Staying overnight in Stockbridge Harbor on watercraft is prohibited except in designated dock sites, or those boats that require safe harbor in an emergency situation or with the specific permission of the Parks Director or staff. Camping/dock permits must be displayed at their designated dock site, and each boat must be properly registered and all fees paid prior to using the dock site in accordance with park policies.
- (7) Docking boats in launch lanes in any county park harbor is prohibited except for launching/landing boats not to exceed 15 minutes.
- (8) Overnight docking on the east bulkhead in Stockbridge harbor is prohibited unless given specific permission by the Parks Director or staff.
- (9) Only seasonal docking is permitted at Brothertown Harbor unless given specific permission by the Parks Director or staff, or those boats that require safe harbor in an emergency situation. Seasonal dock permits must be displayed at their designated dock site, and each boat must be properly registered and all fees paid prior to using the dock site in accordance with park policies.
- (10) Fishing shanties are not permitted in any county park except Stockbridge Harbor, County Park and Brothertown Harbor during the time period of December 1 through April 1. Fishing shanties are only permitted in designated vehicle parking areas.

Cross References: Waterways, ch. 78.

Sec. 46-7. Fire control.

No person shall at any time have any open ground fires outside of grills or ground fire pits established by the Parks Director or staff or have any open ground fires during periods of fire bans as determined by the Parks Director or staff. All persons having fires in the grills or ground fire pits in any county park shall be responsible for completely extinguishing fires prior to leaving campsite or picnic area for any reason.

Sec. 46-8. Intoxicating liquor.

Pursuant to Wis. Stats. § 125.06(06), employees of the county parks shall be authorized to sell fermented malt beverages. Receipts from the sales of fermented malt beverages shall be deposited in the county treasury.

Sec. 46-9. Penalty for violation of chapter.

Except as otherwise provided in this chapter, any person, found to be in violation of any provision of this chapter or any order, rule or regulation made under this chapter, shall be subject

to a penalty as provided in sections 1-7 and 1-8 of this Code.

Fines

<u>Section-paragraph</u>	<u>Violation</u>	<u>Fine/day</u>
46-2 (a)(1)(2)	Non registered person in park after closing	\$100
46-2(a)(3)	Quiet hours violation	\$100
46-2(a)(4)	DJ or band violations	\$300
46-2(a)(5)	Cross country trail bikes, hikers pets violations	\$50
46-2(a)(6)	On sled/ tube hill when closed	\$30
46-2(a)(7)	On mountain bike trails when closed	\$50
46-2(a)(8)	Pets on tube hill	\$50
46-2(b)(1)	Destroying trees and shrubs	\$300
46-2(b)(2)	Picking nuts fruits	\$100
46-2(b)(3)	Littering	\$100
46-2(b)(4)	Disposing of sewage on grounds	\$100
46-2(b)(5)	Unauthorized use of dumpsters	\$50
46-2(c)	Disorderly conduct	\$300
46-2(d)(1)(2)	Firearms/weapons violations	\$300
46-2(e)(1)(2)(3(4)	Pet control violations	\$30
46-2(f)	Horse trail violations	\$100

46-2(g)(1)	Unauthorized in caves	\$100
46-2(g)(2)	Cave vandalism	\$300
46-2(h)(1)(2)	Tube hill violations	\$30
46-2(i)	Off trails at Ledge	\$100
46-3(a)	Vehicles off road	\$300
46-3(b)	Speeding	\$100
46-3(c)	No ATV's	\$100
46-3(d)	Snowmobiles off Trail	\$100
46-3(e)	Motorized vehicles Friendship/Fox River Trails	\$300
46-4(a)(1)(2)(3)(4)(5)	Parking violations	\$5
46-4(b)	Parking in boat launch lanes	\$60
46-4(c)	Boat trailers parking violations	\$30
46-4(d)	15 minute parking violations	\$5
46-4(e)	Parking RV's off pads	\$100
46-4(f)	Employee parking violations	\$5
46-4(g)	Unauthorized overnight parking	\$50
46-5(a)(b)(c)(e)(f)	Camping violations	\$60
46-5(d)	Dump station fee violations	\$25
46-6(2)through (10)	Harbor violations	\$60
46-7	Fire control	\$100
(Ord. No. 2004-06, 7-20-04; Ord. No. 2005-24, 2-21-2006.)——		

Chapters 47--49

RESERVED

Chapter 50

SHORELAND-WETLAND*

* **Cross References:** Environment, ch. 18; waterways, ch. 78.

Sec. 50-1. Ordinances saved from repeal.

Sec. 50-1. Ordinances saved from repeal.

All ordinances regarding shorelands and wetlands are excepted from the Code but saved from repeal, and such ordinances shall continue in full force and effect as if fully set forth in this section.

Chapter 51

FLOODPLAIN

Article I. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and Provisions

- Sec. 51-1. Statutory Authorization.**
- Sec. 51-2. Finding of Fact.**
- Sec. 51-3. Statement of Purpose.**
- Sec. 51-4. Title.**
- Sec. 51-5. General Provisions.**
- Sec. 51-6 to 16, Reserved.**

Article II. General Standards Applicable to All Floodplain Districts

- Sec. 51-17. Hydraulic and Hydrologic Analyses.**
- Sec. 51-18. Watercourse Alterations.**
- Sec. 51-19. Chapter 30, 31, Wis. Stats., Development.**
- Sec. 51-20. Public or Private Campgrounds.**
- Sec. 51-21 to 30, Reserved.**

Article III. Floodway District (FW)

- Sec. 51-31. Applicability.**
- Sec. 51-32. Permitted Uses.**
- Sec. 51-33. Standards for Developments in Floodway Areas.**
- Sec. 51-34. Prohibited Uses.**
- Sec. 51-35 to 44, Reserved.**

Article IV. Floodfringe District (FF)

- Sec. 51-45. Applicability.**
- Sec. 51-46. Permitted Uses.**
- Sec. 51-47. Standards for Development in Floodfringe District.**
- Sec. 51-48 to 60, Reserved.**

Article V. Other Floodplain Districts

- Sec. 51-61. General Floodplain District (GFP).**
- Sec. 51-62. Flood Storage District.**
- Sec. 51-63 to 70, Reserved.**

Article VI. Non-Conforming Uses

- Sec. 51-71. General.**
- Sec. 51-72. Floodway Areas.**
- Sec. 51-73. Floodfringe Areas.**
- Sec. 51-74. Flood Storage Areas.**
- Sec. 51-75 to 80, Reserved.**

Article VII. Administration

- Sec. 51-81. Zoning Administrator.**
- Sec. 51-82. Zoning Agency.**
- Sec. 51-83. Board of Adjustment.**
- Sec. 51-84. To Review Appeals of Permit Denials.**
- Sec. 51-85. Floodproofing.**
- Sec. 51-86. Public Information.**
- Sec. 51-87. Fee Schedule.**
- Sec. 51-88 to 94, Reserved.**

Article VIII. Amendments

- Sec. 51-95. General.**
- Sec. 51-96. Procedures.**
- Sec. 51-97 to 109, Reserved.**

Article IX. Enforcement and Penalties

- Sec. 51-110. Enforcement and Penalties.**
- Sec. 51-111 to 119, Reserved.**

Article X. Definitions

- Sec. 51-120. Definitions.**

ARTICLE I.

STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

Sec. 51-1. Statutory Authorization.

This ordinance is adopted pursuant to the authorization in 59.69, 59.692, and 59.694 for counties and the requirements in s. 87.30, Stats.

Sec. 51-2. Finding of Fact.

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

Sec. 51-3. Statement of Purpose.

(a) This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

Sec. 51-4. Title.

This ordinance shall be known as the Floodplain Zoning Ordinance for Calumet County, Wisconsin.

Sec. 51-5. General Provisions.

(a) Areas to be Regulated.

This ordinance regulates all areas that would be covered by the regional flood or base flood.

Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

(b) Official Maps & Revisions.

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Calumet County, Wisconsin Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Planning, Zoning & Land Information Office, Calumet County, Wisconsin. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS :

(1) Flood Insurance Rate Maps (FIRM) listed below.

<u>Community Panel</u>	<u>Date Adopted</u>
550035 0055B	May 3,1982
550035 0060B	May 3,1982
550035 0065B	May 3,1982
550035 0070B	May 3,1982
550035 0080B	May 3,1982
550035 0090B	May 3,1982
550035 0105B	May 3,1982
550035 0110B	May 3,1982
550035 0115B	May 3,1982
550035 0120B	May 3,1982
550035 0130B	May 3,1982
550035 0140B	May 3,1982
550035 0155B	May 3,1982
550035 0160B	May 3,1982
550035 0180B	May 3,1982
550036 0001C	June 15, 1981
550609 0001A	June 15, 1983
550040 0001B	May 3,1982
550039 0001B	July 2, 1981
550239 0001B	June 3, 1985

(2) Approved by: The DNR and FEMA

(c) Establishment of Districts.

(1) The regional floodplain areas are divided into three districts as follows:

- A. The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
- B. The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
- C. The General Floodplain District (GFP) is an area that has been or may be covered by floodwater during the regional flood.
- D. The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(d) Locating Floodplain Boundaries.

(1) Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs A. or B. below. If a significant difference exists, the map shall be amended according to Article VIII. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 51-83(c) and the criteria in A. and B. below.

- A. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- B. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s. 51-95(a)(6).

(e) Removal of Lands from Floodplain.

Compliance with the provisions of this ordinance shall not be grounds for removing land from the Floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article VIII.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

(f) Compliance.

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(g) Municipalities and State Agencies Regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

(h) Abrogation and Greater Restrictions.

(1) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; or s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(2) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(i) Interpretation.

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(j) Warning and Disclaimer of Liability.

The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(k) Severability.

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

(l) Annexed Areas for Cities and Villages.

The Calumet County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(m) General Development Standards.

The Zoning Administrator shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance.

Sec. 51-6 to 16. Reserved.

ARTICLE II.

GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

Sec. 51-17. Hydraulic and Hydrologic Analyses.

- (a) Except as allowed in par. (c) below, no floodplain development shall:
 - (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
 - (2) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
- (b) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (c) are met.
- (c) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Article VIII.

Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

Sec. 51-18. Watercourse Alterations.

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Zoning Administrator has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

Sec. 51-19. Chapter 30 and 31, Wis. Stats., Development.

Development, which requires a permit from the Department under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to Article VIII.

Sec. 51-20. Public or Private Campgrounds.

- (a) Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:
 - (1) The campground is approved by the Department of Health and Family Services.
 - (2) The zoning administrator issues a land use permit for the campground.

- (3) The character of the river system and the elevation of the campground are such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in sub. (4), to remain in compliance with all applicable regulations, including those of the state Department of Health and Family Services and all other applicable regulations.
- (6) Only camping units are allowed.
- (7) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Article III or Article IV for the floodplain district in which the structure is located.
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (12) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

Sec. 51-21 to 30. Reserved.

ARTICLE III.

FLOODWAY DISTRICT (FW)

Sec. 51-31. Applicability.

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 51-61(d).

Sec. 51-32. Permitted Uses.

- (a) The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if , they are not prohibited by any other ordinance; they meet the standards in ss. 51-33 and 51-34; and all permits or certificates have been issued according to s. 51-81:
 - (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 51-33(d).
- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 51-33 and 51-34.
- (5) Extraction of sand, gravel or other materials that comply with s. 51-33(d).
- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30, 31, Stats.
- (7) Public utilities, streets and bridges that comply with s. 51-33(c).

Sec. 51-33. Standards for Developments in Floodway Areas.

(a) General.

- (1) Any development in floodway areas shall comply with Article II and have a low flood damage potential.
- (2) Applicants shall provide the following data to determine the effects of the proposal according to s. 51-17:
 - A. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - B. An analysis calculating the effects of this proposal on regional flood height.
- (3) The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (2) above.

(b) Structures.

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (1) The structure is not designed for human habitation and does not have a high flood damage potential;
- (2) It must be anchored to resist flotation, collapse and lateral movement;
- (3) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
- (4) It must not obstruct the flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.

(c) Public Utilities, Streets and Bridges.

Public utilities, streets and bridges may be allowed by permit, if:

- (1) Adequate floodproofing measures are provided to the flood protection

elevation; and

(2) Construction meets the development standards of s. 51-17.

(d) Fills or Deposition of Materials.

Fills or deposition of materials may be allowed by permit, if:

- (1) The requirements of s. 51-17 are met;
- (2) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;
- (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulk heading; and
- (4) The fill is not classified as a solid or hazardous material.

Sec. 51-34. Prohibited Uses.

- (a) All uses not listed as permitted uses in s. 51-32 are prohibited, including the following uses:
- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
 - (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
 - (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
 - (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code;
 - (5) Any public or private wells, which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
 - (6) Any solid or hazardous waste disposal sites;
 - (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;
 - (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway, which complies with the regulations for the floodplain area occupied.

Sec. 51-35 to 44, Reserved.

ARTICLE IV.

FLOODFRINGE DISTRICT (FF)

Sec. 51-45. Applicability.

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 51-61(d).

Sec. 51-46. Permitted Uses.

Any structure, land use, or development is allowed in the floodfringe district if the standards in s.51-47 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 51-81 have been issued.

Sec. 51-47. Standards for Development in Floodfringe Areas.

S. 51-17 shall apply in addition to the following requirements according to the use requested.

(a) RESIDENTIAL USES.

Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;

- (1) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical;
- (2) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
- (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. (4).
- (4) In developments where existing street or sewer line elevations make compliance with par. (3) impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
 - A. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - B. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

(b) ACCESSORY STRUCTURES OR USES.

- (1) Except as provided in par. (2), an accessory structure, which is not connected to a principal structure, may be constructed with its lowest floor at or above the regional flood elevation.
- (2) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of

sections 51-33(b)(1), (2), (3), and (4) and 51-47 (e) below.

(c) COMMERCIAL USES.

Any commercial structure that is erected, altered or moved into the floodfringe area shall meet the requirements of s. 51-47(a). Subject to the requirements of s. 51-47(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(d) MANUFACTURING AND INDUSTRIAL USES.

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in s. 51-85. Subject to the requirements of s. 51-47(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(e) STORAGE OF MATERIALS.

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 51-85. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(f) PUBLIC UTILITIES, STREETS AND BRIDGES.

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- (1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with s. 51-85 to the flood protection elevation;
- (2) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(g) SEWAGE SYSTEMS.

All on-site sewage disposal systems shall be floodproofed, pursuant to s. 51-85, to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.

(h) WELLS.

All wells shall be floodproofed, pursuant to s. 51-85, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(i) SOLID WASTE DISPOSAL SITES.

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(j) DEPOSITION OF MATERIALS.

Any deposited material must meet all the provisions of this ordinance.

(k) MANUFACTURED HOMES.

- (1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - A. have the lowest floor elevated to the flood protection elevation; and
 - B. be anchored so they do not float, collapse or move laterally during a flood.
- (3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 51-47(c).

(l) MOBILE RECREATIONAL VEHICLES.

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 51-47(k)(1) and (2). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

Sec. 51-48 to 60, Reserved.

ARTICLE V.

OTHER FLOODPLAIN DISTRICTS

Other floodplain districts may be established under the ordinance and reflected on the floodplain zoning map. These districts may include general floodplain districts and flood storage districts.

Sec. 51-61. General Floodplain District (GFP).

(a) Applicability.

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

(b) Permitted Uses.

Pursuant to s. 51-61(d), it shall be determined whether the proposed use is located within a floodway or floodfringe area. Those uses permitted in floodway (s. 51-32) and floodfringe areas (s. 51-46) are allowed within the general floodplain district, according to the standards of s. 51-61(c), provided that all permits or certificates required under s. 51-81 have been issued.

(c) Standards for Development in the General Floodplain District.

Article III applies to floodway areas, Article IV applies to floodfringe areas. The rest of this ordinance applies to either district.

(d) Determining Floodway and Floodfringe Limits.

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;
- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - A. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
 - B. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 - C. Profile showing the slope of the bottom of the channel or flow line of the stream;
 - D. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- (3) Transmit one copy of the information described in pars. (1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 51-81(b)(3) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

Sec. 51-62. Flood Storage District.

The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity, which would cause higher flood elevations.

(a) Applicability.

The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.

(b) Permitted Uses.

Any use or development which occurs in a flood storage district must meet the applicable requirements in s. 51-47.

(c) Standards for Development in Flood Storage Districts.

- (1) Development in a flood storage district shall not cause an increase equal or greater than 0.01 of a foot in the height of the regional flood.
- (2) No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
- (3) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without flood plain storage, as per s. 51-95 of this ordinance.
- (4) No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

Sec. 51-63 to 70. Reserved.

ARTICLE VI.

NON-CONFORMING USES

Sec. 51-71. General.

(a) Applicability.

If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

(b) The existing lawful use of a structure or its accessory use, which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" includes, but is not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure. The construction of a deck that

does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (3) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 51-47(a). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- (5)
 - A. Except as provided in subd. B., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition exceeds 50% of the structure's present equalized assessed value.
 - B. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.
- (6) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 51-33(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 51-85 are used.

Sec. 51-72. Floodway Areas.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
 - (1) Has been granted a permit or variance, which meets all ordinance requirements;

- (2) Meets the requirements of s. 51-71;
- (3) Will not increase the obstruction to flood flows or regional flood height;
- (4) Any addition to the existing structure shall be floodproofed, pursuant to s. 51-85, by means other than the use of fill, to the flood protection elevation;
- (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - A. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - B. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - C. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - D. The use must be limited to parking or limited storage.
- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.
- (c) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

Sec. 51-73. Floodfringe Areas.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in ss. 51-47 and 51-85, except where s. 51-73(b) is applicable.
- (b) Where compliance with the provisions of par. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment, using the procedures established in s.51-83, may grant a variance from those provisions of par. (a) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (1) No floor is allowed below the regional flood elevation for residential or

- commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, will not be installed;
 - (4) Flood depths will not exceed two feet;
 - (5) Flood velocities will not exceed two feet per second; and
 - (6) The structure will not be used for storage of materials as described in s. 51-47(e).
- (c) If neither the provisions of par. (a) or (b) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
- (1) Meets all other regulations and will be granted by permit or variance;
 - (2) Does not exceed 60 square feet in area; and
 - (3) In combination with other previous modifications or additions to the building, does not exceed 50% of the present equalized assessed value of the building.
- (d) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
- (e) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

Sec. 51-74. Flood Storage Areas.

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in 51-62(c) are met.

Sec. 51-75 to 80, Reserved.

ARTICLE VII.

ADMINISTRATION

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

Sec. 51-81. Zoning Administrator.

- (a) The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:
 - (1) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

- (2) Issue permits and inspects properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.
- (4) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
- (5) Keep records of all official actions such as:
 - A. All permits issued, inspections made, and work approved;
 - B. Documentation of certified lowest floor and regional flood elevations for floodplain development;
 - C. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - D. All substantial damage assessment reports for floodplain structures.
- (5) Submit copies of the following items to the Department Regional office:
 - A. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - B. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
 - C. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (6) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (7) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

(b) Land Use Permit.

A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

- (1) GENERAL INFORMATION
 - A. Name and address of the applicant, property owner and contractor;
 - B. Legal description, proposed use, and whether it is new construction or a Modification.

(2) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- A. Location, dimensions, area and elevation of the lot;
- B. Location of the ordinary high-water mark of any abutting navigable waterways;
- C. Location of any structures with distances measured from the lot lines and street centerlines;
- D. Location of any existing or proposed on-site sewage systems or private water supply systems;
- E. Location and elevation of existing or future access roads;
- F. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- G. The elevation of the lowest floor of proposed buildings and any fill using vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
- H. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 51-31 or Article IV are met; and
- I. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 51-17 . This may include any of the information noted in s. 51-33(a).

(3) DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS

- A. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:
 - 1. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
 - 2. A map showing location and details of vehicular access to lands outside the floodplain; and
 - 3. A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

(4) EXPIRATION

All permits issued under the authority of this ordinance shall expire 12 months after issuance.

(c) Certificate of Compliance.

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (2) Application for such certificate shall be concurrent with the application for a permit;
- (3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (4) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of s. 51-85.

(d) Other Permits.

The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

Sec. 51-82. Zoning Agency.

- (a) The Planning, Zoning & Land Information Department shall:
 - (1) oversee the functions of the office of the zoning administrator; and
 - (2) review and advise the Governing body on all proposed amendments to this ordinance, maps and text.
- (b) This zoning agency shall not
 - (1) grant variances to the terms of the ordinance in place of action by the Board of Adjustment; or
 - (2) amend the text or zoning maps in place of official action by the Governing body.

Sec. 51-83. Board of Adjustment.

The Board of Adjustment created under s. 59.694, Stats. is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the Board.

(a) POWERS AND DUTIES.

The Board of Adjustment shall:

- (1) Appeals - Hear and decide appeals where it is alleged there is an error in any order,

requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.

- (2) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
- (3) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(b) APPEALS TO THE BOARD.

(1) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(2) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES:

A. Notice - The board shall:

1. Fix a reasonable time for the hearing;
2. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
3. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

B. Hearing - Any party may appear in person or by agent. The board shall:

1. Resolve boundary disputes according to s. 51-83(c).
2. Decide variance applications according to s. 51-83(d).
3. Decide appeals of permit denials according to s. 51-84.

(3) DECISION: The final decision regarding the appeal or variance application shall:

- A. Be made within a reasonable time;
- B. Be sent to the Department Regional office within 10 days of the decision;
- C. Be a written determination signed by the chairman or secretary of the Board;
- D. State the specific facts, which are the basis for the Board's decision;
- E. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismisses the appeal for lack of jurisdiction or grant or deny the variance application;
- F. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(c) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
- (2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
- (3) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to Article VIII.

(d) VARIANCE

- (1) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - A. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
 - B. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - C. The variance is not contrary to the public interest; and
 - D. The variance is consistent with the purpose of this ordinance in s. 51-3.
- (2) In addition to the criteria in par. (1), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - A. The variance may not cause any increase in the regional flood elevation;
 - B. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
 - C. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (3) A variance shall not:
 - A. Grant, extend or increase any use prohibited in the zoning district.
 - B. Be granted for a hardship based solely on an economic gain or loss.

- C. Be granted for a hardship, which is self-created.
 - D. Damage the rights or property values of other persons in the area.
 - E. Allow actions without the amendments to this ordinance or map(s) required in s. 51-95.
 - F. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (4) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

Sec. 51-84. To Review Appeals of Permit Denials.

- (a) The Board shall review all data related to the appeal. This may include:
 - (1) Permit application data listed in s. 51-81(b).
 - (2) Floodway/floodfringe determination data in s. 51-61(d).
 - (3) Data listed in s. 51-33(a)(2) where the applicant has not submitted this information to the zoning administrator.
 - (4) Other data submitted with the application, or submitted to the Board with the appeal.
- (b) For appeals of all denied permits the Board shall:
 - (1) Follow the procedures of s. 51-83;
 - (2) Consider zoning agency recommendations; and
 - (3) Either uphold the denial or grant the appeal.
- (c) For appeals concerning increases in regional flood elevation the Board shall:
 - (1) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
 - (2) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

Sec. 51-85. Floodproofing.

- (a) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
- (b) Floodproofing measures shall be designed to:

- (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (2) Protect structures to the flood protection elevation;
 - (3) Anchor structures to foundations to resist flotation and lateral movement; and
 - (4) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (c) Floodproofing measures could include:
- (1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.
 - (2) Adding mass or weight to prevent flotation.
 - (3) Placing essential utilities above the flood protection elevation.
 - (4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
 - (5) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
 - (6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

Sec. 51-86. Public Information.

- (a) Where useful, marks on bridges or buildings or other markers may be set to show the dept of inundation during the regional flood at appropriate locations within the floodplain.
- (b) All available information in the form of maps, engineering data and regulations shall be readily available and should be widely distributed.
- (c) All legal descriptions of property in the floodplain should include information relative to the floodplain zoning classification when such property is transferred.

Sec. 51-87. Fee Schedule.

All persons, firms, or corporations performing work, which by this ordinance shall require the issuance of a land use permit or the holding of a public hearing, shall pay a fee for such to the County Planning Department to defray the cost of administration, investigation, processing and legally required advertising. The schedule of fees shall be the same as is established in the Calumet County Shoreland Zoning Ordinance.

Sec. 51-88 to 94, Reserved.

ARTICLE VIII.

AMENDMENTS

Sec. 51-95. General.

- (a) The County Board of Supervisors may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions that require an amendment include, but are not limited to, the following:
- (1) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
 - (2) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
 - (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
 - (4) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
 - (5) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
 - (6) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Note: Consult the FEMA web site - www.fema.gov - for the map change fee schedule.

Sec. 51-96. Procedures.

- (a) Ordinance amendments may be made upon petition of any interested party according to the provisions of 59.69, Stats. Such petitions shall include all necessary data required by ss. 51-61(d) and 51-81(b).
- (1) The proposed amendment shall be referred to the Planning and Zoning Committee for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 59.69, Stats., for counties.
 - (2) No amendments shall become effective until reviewed and approved by the Department.
 - (3) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the governing body can approve the amendment.
 - (4) For amendments in areas with no water surface profiles, the Planning, Zoning and Farmland Preservation Committee or board shall consider data submitted by the Department, the zoning administrator's visual on-site inspections and other available information. (See s. 51-5(d).)

Sec. 51-97 to 109, Reserved.

ARTICLE IX.

ENFORCEMENT AND PENALTIES

Sec. 51-110. Enforcement and Penalties.

Any violation of the provisions of this ordinance by any person shall be unlawful and may be referred to the Corporation Counsel for prosecution. A violator shall, upon conviction, forfeit to the county a penalty of not less than \$10 and not more than \$1,000, together, with taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the county, the state, or any citizen thereof pursuant to s. 87.30, Stats.

Sec. 51-111 to 119, Reserved.

ARTICLE X.

DEFINITIONS

Sec. 51-120. Definitions.

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

- 1) "A ZONES" - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- 2) "ACCESSORY STRUCTURE OR USE" - A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
- 3) "BASE FLOOD" - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- 4) "BASEMENT" - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
- 5) "BUILDING" - See STRUCTURE.
- 6) "BULKHEAD LINE" - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
- 7) "CAMPGROUND" - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- 8) "CAMPING UNIT" - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
- 9) "CERTIFICATE OF COMPLIANCE" - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

- 10) "CHANNEL" – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- 11) "CRAWLWAYS" OR "CRAWL SPACE" - An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- 12) "DECK" – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- 13) "DEPARTMENT" - The Wisconsin Department of Natural Resources.
- 14) "DEVELOPMENT" - Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- 15) "DRYLAND ACCESS" - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- 16) "ENCROACHMENT" - Any fill, structure, equipment, building, use or development in the floodway.
- 17) "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" - A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads
- 18) "EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK" - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- 19) "FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)" - The federal agency that administers the National Flood Insurance Program.
- 20) "FLOOD INSURANCE RATE MAP" (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- 21) "FLOOD" or "FLOODING" – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - ✓ The overflow or rise of inland waters,
 - ✓ The rapid accumulation or runoff of surface waters from any source,
 - ✓ The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
 - ✓ The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

- 22) "FLOOD FREQUENCY" - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- 23) "FLOODFRINGE" - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- 24) "FLOOD HAZARD BOUNDARY MAP" - A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- 25) "FLOOD INSURANCE STUDY" - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- 26) "FLOODPLAIN" - Land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
- 27) "FLOODPLAIN ISLAND" - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- 28) "FLOODPLAIN MANAGEMENT" - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- 29) "FLOOD PROFILE" - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- 30) "FLOODPROOFING" - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- 31) "FLOOD PROTECTION ELEVATION" - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
- 32) "FLOOD STORAGE" - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- 33) "FLOODWAY" - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- 34) "FREEBOARD" - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

- 35) "HABITABLE STRUCTURE" - Any structure or portion thereof used or designed for human habitation.
- 36) "HEARING NOTICE" - Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- 37) "HIGH FLOOD DAMAGE POTENTIAL" - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- 38) "HISTORIC STRUCTURE" - Any structure that is either:
- ✓ Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
 - ✓ Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
 - ✓ Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
 - ✓ Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
- 39) "INCREASE IN REGIONAL FLOOD HEIGHT" - A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- 40) "LAND USE" - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
- 41) "MANUFACTURED HOME" - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- 42) "MOBILE RECREATIONAL VEHICLE" - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
- 43) "MUNICIPALITY" or "MUNICIPAL" - The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
- 44) "NAVD" or "NORTH AMERICAN VERTICAL DATUM" - Elevations referenced to mean sea level datum, 1988 adjustment.

- 45) "NGVD" or "NATIONAL GEODETIC VERTICAL DATUM" - Elevations referenced to mean sea level datum, 1929 adjustment.
- 46) "NEW CONSTRUCTION" - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- 47) "NONCONFORMING STRUCTURE" - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- 48) "NONCONFORMING USE" - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- 49) "OBSTRUCTION TO FLOW" - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- 50) "OFFICIAL FLOODPLAIN ZONING MAP" - That map, adopted and made part of this ordinance, as described in s. 51-5(b), which has been approved by the Department and FEMA.
- 51) "OPEN SPACE USE" - Those uses having a relatively low flood damage potential and not involving structures.
- 52) "ORDINARY HIGHWATER MARK" - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- 53) "PERSON" - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- 54) "PRIVATE SEWAGE SYSTEM" - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
- 55) "PUBLIC UTILITIES" - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- 56) "REASONABLY SAFE FROM FLOODING" - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- 57) "REGIONAL FLOOD" - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- 58) "START OF CONSTRUCTION" - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180

days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- 59) "STRUCTURE" - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- 60) "SUBDIVISION" - Has the meaning given in s. 236.02(12), Wis. Stats.
- 61) "SUBSTANTIAL DAMAGE" - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- 62) "UNNECESSARY HARDSHIP" - Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
- 63) "VARIANCE" - An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- 64) "VIOLATION" - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- 65) "WATERSHED" - The entire region contributing runoff or surface water to a watercourse or body of water.
- 66) "WATER SURFACE PROFILE" - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- 67) "WELL" - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater

(Ord. No. 2006-02, 6-20-2006)

Chapters 52--53

RESERVED

Chapter 54

SOLID WASTE*

* **Cross References:** Buildings and building regulations, ch. 10; environment, ch. 18; standards for animal waste storage, § 18-1; utilities, ch. 74.

Article I. In General

Sec. 54-1. Authority, interpretation, and applicability of chapter.

Sec. 54-2. Purpose and intent of chapter.

Sec. 54-3. Definitions.

Sec. 54-4. Penalty for violation of chapter.

Sec. 54-5. Conflict with state laws.

Sec. 54-6. Exceptions to chapter provisions.

Secs. 54-7--54-40. Reserved.

Article II. Permits

Sec. 54-41. Required.

Sec. 54-42. Application requirements.

Sec. 54-43. Application review process.

Secs. 54-44--54-70. Reserved.

Article III. General Regulations Regarding Solid Waste Facilities and Hazardous Waste Facilities

Sec. 54-71. Applicability of article provisions.

Sec. 54-72. Transportation requirements.

Sec. 54-73. Report requirements.

Sec. 54-74. Operation requirements.

Sec. 54-75. Financial requirements.

ARTICLE I.

IN GENERAL

Sec. 54-1. Authority, interpretation, and applicability of chapter.

(a) *Authority.* This chapter is adopted pursuant to the authority granted to counties under Wis. Stats. § 59.69, and acts amendatory thereto.

(b) *Interpretation.* The interpretation and application of the provisions of this chapter shall be minimum requirements and not a limiting factor or repeal of any power granted by statute. Where any terms or requirements of this chapter are inconsistent or conflicting, the more restrictive interpretation shall be applied. Where a provision of this chapter is required by statute or administrative rule and the provision of the chapter is unclear, the provision shall be interpreted under the guidance of statute and administrative rule.

(c) *Applicability.* The requirements of this chapter shall apply to all persons within the county.
(Ord. No. 1998-4, § I, 6-16-1998)

Sec. 54-2. Purpose and intent of chapter.

(a) This chapter and any amendments thereto shall be for the purpose of regulating the

transportation, disposal, storage and treatment of solid waste and hazardous waste by persons within the boundaries of the county. These activities shall be permitted only under the terms and conditions as set forth by this chapter and any amendments thereto due to the possible danger to the health, safety and welfare of the public and the impact on the natural resources of the county.

(b) This chapter is intended to regulate the siting of solid waste disposal sites (landfill) as that term is defined in Wis. Stats. ch. 289, solid waste facilities, and hazardous waste facilities as defined in Wis. Stats. ch. 291. It is also the intent of this chapter to:

- (1) Establish procedures pertaining to the landfill siting process within the county.
 - (2) Appropriate and levy sufficient fees to cover the county's involvement in the siting process.
 - (3) Ensure that any sited landfill is considered in, and works as a supporting part of the county solid waste management plan. This includes financial support for and/or physical accommodation of programs to reduce, reuse, recycle, screen or otherwise divert materials from landfill disposal.
 - (4) Preserve landfill capacity of solid waste facilities in the county for future use and to ensure that county municipalities, residents, and businesses shall have assurances as to the duration of landfill operations and the availability of disposal at landfills located within the county.
 - (5) Require orderly land use development pertaining to the siting of solid waste and hazardous waste facilities.
 - (6) Ensure that final negotiated agreements under Wis. Stats. chs. 289 and 291 shall contain sufficient provisions to afford local residents protection against adverse impacts from the siting of solid waste and hazardous waste facilities in the county.
 - (7) Ensure that the costs of disposal are borne by the generators of solid waste and hazardous waste to the greatest degree practical.
- (Ord. No. 1998-4, § II, 6-16-1998)

Sec. 54-3. Definitions.

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

Applicant means a person applying for a permit to construct, operate and maintain, or a person applying for reissuance of a permit to construct, operate and maintain a solid waste facility or a hazardous waste facility. The applicant, at the time of issuance of the permit, shall be the owner of the land wherein the solid waste facility or hazardous waste facility is located.

Closure means those actions to be taken by the owner or operator of a solid or hazardous waste facility to prepare the facility for long-term care and to make it suitable for other uses at the time at which a solid or hazardous waste facility ceases to accept wastes.

Department of natural resources means the state department of natural resources or its successor

agency.

Emergency or emergencies means an unforeseen circumstance that jeopardizes the public health, public safety or property of the county or its residents.

Expansion means an increase in additional disposal, treatment or storage capacity to an existing solid waste facility or existing hazardous waste facility where the additional capacity shall be available to or adjacent to the existing solid waste facility or to the existing hazardous waste facility for solid waste or hazardous waste disposal, storage or treatment by means of structural or physical expansion at or adjacent to the existing solid waste facility or to the existing hazardous waste facility.

Facility means solid waste disposal sites and hazardous waste disposal sites as set forth in Wis. Stats. §§ 289.01(35) and 291.01(8).

Floodplain means the land, which has been or may be hereafter covered by floodwater during the regional flood as defined in Wis. Admin. Code NR ch. 116 and includes the floodway and the flood fringe as defined in Wis. Admin. Code NR ch. 116.

Garbage means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Hazardous waste means any solid waste identified as hazardous waste by Wis. Stats. §§ 289.01(11) and 291.05(1), (2) or (5), its successor, or identified as hazardous waste by any regulations established by the state department of natural resources.

Hazardous waste facility means a facility in the county for the treatment, storage or disposal of hazardous waste and includes all the contiguous property under common ownership or control surrounding the site or structure.

Incinerating means any technique or process of controlled burning of refuse primarily to achieve volume reduction and/or to change waste characteristics.

Imminent danger means evidence that past or present handling, storage, treatment, transportation or disposal of any solid or hazardous waste may present an eminent and substantial danger to health or the environment.

Landfill means a solid waste facility for solid waste disposal.

Landspreading means the disposal of solid waste in thin layers onto the land surface or the incorporation into the top several feet of the surface soil for agricultural, silvicultural and/or solid waste disposal purposes.

Leachate means water or other liquid which has been contaminated by dissolved or suspended materials due to contact with waste or gases therefrom.

Long-term care means the routine care, maintenance and monitoring of the solid waste facility or of the hazardous waste facility after closure.

Municipal solid waste means solid waste generated primarily by residential and commercial activities.

Person means any individual, owner, operator, limited liability corporation, firm, sole proprietorship, trust, partnership, association, corporation or municipality and also means any responsible member, responsible officer, responsible agent and responsible employee of the above noted.

Plan of operation means a report submitted for a solid waste facility or hazardous waste facility that describes its location, design, construction, documentation, monitoring, sanitation, operation, maintenance, closing and longterm care.

Polychlorinated biphenyls (PCBs) means the class of organic compounds generally known as polychlorinated biphenyls and includes any of several compounds or mixtures of compounds produced by replacing two or more hydrogen atoms on the biphenyl molecule with chlorine atoms as set forth in Wis. Stats. § 299.45(1).

Recyclable solid waste means solid waste which through transfer, transportation, processing or marketing will be converted into useable materials, products or energy.

Refuse means all matter produced from industrial or community life, subject to decomposition, not defined as sewage.

Sludge means any solid, semisolid or liquid waste generated from a municipal, commercial or industrial waste water treatment plant, water supply treatment plant, or air pollution control facility, or any other such waste having similar characteristics and effects.

Solid waste means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations and from community activities, but does not include solids or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permit under Wis. Stats. ch. 283 or source material as defined in Wis. Stats. § 254.31(10), special nuclear material as defined in Wis. Stats. § 254.31(11), or byproduct material as defined in Wis. Stats. § 254.31(1).

Solid waste disposal means the discharge, deposit, injection, dumping or placing of any solid waste into or on any land. This term does not include the transportation, storage or treatment of solid waste.

Solid waste facility means a facility for solid waste treatment, solid waste storage or solid waste disposal and includes commercial, industrial, municipal, state and federal establishments, or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located. This term does not include a facility for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes. This term does not include a facility which uses large machines to sort, grade, compact or bale clean wastepaper, fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes. This term does not include an auto junkyard or scrap metal salvage yard.
(Ord. No. 1998-4, § III, 6-16-1998)

Cross References: Definitions generally, § 1-2.

Sec. 54-4. Penalty for violation of chapter.

Any person violating this chapter, upon conviction, shall be fined \$300.00 for each offense. Each day of a violation shall constitute a separate offense under this chapter. Imprisonment for any person in the county jail can be ordered only for failure to pay the fine which may be imposed. In addition to any other penalty for violating this chapter, the cost of abating a public nuisance by the county shall be assessed as a special charge against the real estate of the person causing such nuisance. In addition to any other legal relief available to the county for violating this chapter, the county may take appropriate legal action or proceedings to recover damages, to abate and remove any nuisance and to enjoin further violations of this chapter.

(Ord. No. 1998-4, § X, 6-16-1998)

Sec. 54-5. Conflict with state laws.

The passage of this chapter does not relieve an applicant from complying with all of the applicable provisions set forth in statute and the Wisconsin Administrative Code concerning landfills and solid waste disposal sites. The applicant must comply with all of the applicable statutes and the Wisconsin Administrative Code; however, to the extent that this chapter is more restrictive than the Wisconsin Administrative Code, an applicant must meet the more restrictive provisions of this chapter in order to obtain a permit pursuant to this chapter.

(Ord. No. 1998-4, § XII, 6-16-1998)

Sec. 54-6. Exceptions to chapter provisions.

The following shall not be deemed to come within the scope and meaning of this chapter:

- (1) This chapter shall not apply to or govern animal waste transportation, animal waste disposal, animal waste storage or animal waste treatment by persons, municipalities or businesses resulting from an agricultural enterprise wherein the animal waste is transported or disposed, stored or treated at a location within the county.
- (2) This chapter shall not apply to or govern the use of sanitary privies, seepage beds or septic tanks, which are regulated by the Wisconsin Administrative Code and/or county private sewage system ordinance. This chapter shall also not apply to or govern the disposal of human waste products into any public sewage system located in the county. The landspreading or knifing of municipal sludge into the ground is also not governed by this chapter.
- (3) This chapter shall not apply to or govern any refuse transportation to or refuse disposal, refuse storage or refuse treatment within the county at existing solid waste facilities that are or were operational on the date of adoption of the ordinance from which this chapter is derived; however, any expansion of these existing solid waste facilities or hazardous waste facilities shall be within the scope and meaning of this chapter.
- (4) This chapter shall not apply to or govern any refuse transportation to or refuse disposal, refuse storage or refuse treatment in the county where this chapter or sections of this chapter are specified as being not applicable in a negotiated agreement or arbitration award pursuant to Wis. Stats. § 289.33.

(Ord. No. 1998-4, § IV, 6-16-1998)

Secs. 54-7--54-40. Reserved.

ARTICLE II.

PERMITS

Sec. 54-41. Required.

(a) Upon the effective date of the ordinance from which this chapter is derived, no person shall open, operate or expand a solid waste facility or hazardous waste facility within the county unless such person obtains a county solid waste disposal permit. This article shall not be applicable to solid waste facilities or hazardous waste facilities, which were in existence prior to the passage of the ordinance from which this article is derived; however, any expansion of these existing solid waste facilities or hazardous waste facilities shall be within the scope and meaning of this chapter. The application for a solid waste or hazardous waste facility permit shall be submitted to the county planning and zoning committee, in care of the county planning department, 206 Court Street, Chilton, WI 53014. The application shall be submitted on forms provided by the county planning department and shall be accompanied by an application fee in the sum of \$1,000.00. The county may also charge the applicant an additional application fee to fully or partially reimburse the county for appropriate and necessary costs and expenses incurred by the county in the application process including, but not limited to, reasonable costs and reasonable expenses incurred by the county for attorneys' fees and experts' fees related to the application process. The total application fees to the applicant, including the initial application fee, shall not, however, exceed \$20,000.00 for any application. The applicant, if a permit is issued or reissued by the county, shall be only the person allowed to construct, operate and maintain the solid waste facility or the hazardous waste facility during the permit period. The applicant may not apply for a permit to only construct the solid waste facility or hazardous waste facility.

(b) The information in the initial application to be provided by the applicant is necessary in order to allow the county to:

- (1) Establish the need and the intent for a requested permit;
- (2) Establish the potential short-term and long-term negative or positive environmental, economic, public health, public welfare and public safety impacts and effects for the county and its residents in the construction, operation and maintenance of the proposed solid waste facility, the existing solid waste facility, the proposed hazardous waste facility or the existing hazardous waste facility; and
- (3) Satisfy the county that there will be or there has been reasonable compliance by the applicant with this chapter, with any permit granted to the applicant and with any conditions established in any permit or proposed permit.

(Ord. No. 1998-4, § V, 6-16-1998)

Sec. 54-42. Application requirements.

The application shall be signed by the applicant and shall be accompanied by information which shall include, but not be limited to, the following:

- (1) *Cover letter.* A signed cover letter from the applicant stating the project title; the name,

address and telephone number of the primary contacts for the project, including the facility owner and any consultants; the present property owners and all others with a financial or proprietary interest in the property; the proposed facility owner and operator; and the name, address and telephone number of the primary person responsible for ensuring the completeness and accuracy of the application.

- (2) *Initial site report.* The application shall include the initial site report submitted to the state department of natural resources.
- (3) *Feasibility report.* The application shall include an outline of the feasibility report required by Wis. Stats. ch. 289, intended to be submitted to the state department of natural resources.
- (4) *Table of contents.* The application shall have a table, which specifically references, by page number or other identifier, the location of the following information within the initial site report or other sections of the application:
 - a. Geographical areas that may affect or be affected by the proposed facility.
 - b. Zoning.
 - c. Other solid waste or hazardous waste facilities owned or operated by the applicant.
 - d. Boundaries of the facility.
 - e. Topographic surveys.
 - f. Stream, road, railroad, utility line and pipeline locations.
 - g. Previous excavations on the site.
 - h. Governmental permits.
 - i. Applications for local approvals.
 - j. Surface water and hydrological features.
- (5) *Application specifications.* The application submitted under this chapter shall specify all information required by the county, but at minimum shall include the following:
 - a. All areas that may affect or be affected by the proposed facility. At a minimum, this will be the area within 2,500 feet of the limits of filling. The information shall be supplemented with maps and with the names and addresses of all property owners within 2,500 feet of the property boundaries of the proposed site. Also included shall be a certified survey and the legal description of the proposed site.
 - b. A discussion of the current land use and its zoning of the site and all properties located within 2,500 feet of the site. This discussion will specifically include areas where zoning variances will be required, where agricultural impact statements

may be required or where floodplain, shoreland or wetland zoning is designated.

- c. A statement of all other solid waste or hazardous waste facilities which the applicant or its principal operates or in which the applicant or its principal has an interest located within 150 miles of the proposed site.
 - d. The boundaries of the proposed facility, external boundaries of the property and all properties lying within 2,500 feet of the external boundaries of the applicant's property. (If not owned, the foregoing shall apply to leased property or property which is the subject of the application.)
 - e. A detailed topographic survey of the proposed facility and all areas within 1,500 feet from the proposed limits of filling. The minimum scale shall be one inch to 200 feet with a maximum two-foot contour interval.
 - f. Location and names of all streams, roads, railroads, utility lines and pipelines on the site or within 1,000 feet thereof.
 - g. Boundaries and elevations of previous excavations on the site, if any.
 - h. A listing of all existing and required governmental permits affecting the site.
 - i. A description of the surface water drainage patterns and significant hydrological features such as surface waters, springs, surface water drainage basins, divides and wetlands, and a proposed on-site water management plan and an erosion control plan.
 - j. A map, which shows all on-site monitoring and all property owner wells within a 2,500-foot radius of the proposed solid waste or hazardous waste facility.
- (6) *Operation plan.* The applicant shall submit an outline for a plan of operation required under Wis. Stats. ch. 289, including information pertaining to the type and estimated volume of materials to be disposed, municipalities and industries to be served, a timetable for the commencement of operations, proposed facility life, duration and cessation of disposal operations, anticipated cover frequency, primary travel routes to be used to transport construction materials and waste, and a general statement as to methods that the applicant will utilize pertaining to minimizing adverse impacts of neighboring residences and businesses. Also required are the names, addresses and telephone numbers of the transporters who will be initially authorized to transport waste; the hours and date for daily disposal operations; maximum height and depth of the solid waste facility; and proposed maximum active fill area. Also to be required is the proposed plan and method for prevention, reduction and control of dust, debris, odors, noise, litter, noxious weeds, rodents, fire, explosions, gas discharge or other potential nuisances or hazards. Also included with the operation plan should be a site plan drawn to a scale no less than one inch to 200 feet.
- (7) *Other plans.* The applicant shall submit the following plans:
- a. Emergency preparedness plans.
 - b. Recycling plan, if any, designating disposal operations, storage operations,

treatment operations, including any specific plans for recycling, source separation, incineration or baling operations at or near the proposed facility.

- c. Plans to provide financial, public health, environmental and legal protection to current and future residents, their heirs and assigns that reside within at least 2,500 feet of the proposed facility, including any insurance coverage protection for these residents, their heirs and assigns.
- d. Plan to provide financial, environmental and legal protection to the county, including insurance coverage protection to the county government, its officers, its employees and its agents.
- e. Plans to provide physical and personal security.
- f. Plans that provide for setbacks from adjacent lands, highways, waterways, floodplains, public lands and public easements. The following minimum standards would apply:
 - 1. One thousand feet from the ordinary high water mark of any navigable lake, pond or flowage.
 - 2. Three hundred feet from the ordinary high-water mark of any navigable river or stream or to the landward side of the floodplain, whichever distance is greater.
 - 3. Not allowed within a floodplain.
 - 4. One thousand feet of the right-of-way of any state or federal highway. A distance of 500 feet from any county trunk or town road.
 - 5. One thousand two hundred feet of any public or private water supply well.
 - 6. Five hundred feet from the property line of any adjoining property owner.
- g. Plan to provide environmental testing and monitoring of groundwater, private wells, soils, leachate, gas and air at or near the proposed facility.
- h. Plans for the proposed traffic pattern to and from the facility. Also the specific roadway usage for access to and from during the construction, operation, maintenance, closure and longterm care of the facility.
- i. Plan for the projected need, if any, of additional public service at or near the proposed facility as a result of the construction, operation, maintenance, closure and longterm care of the facility.
- j. Plans identifying the projected need in the county and the projected need within a 100-mile radius of the facility with specific need considerations and projections based on the current and projected future economics of solid waste and hazardous waste disposal, storage, treatment, transportation and collection.

- k. Plan identifying the use of the nonactive areas of the facility. This would include areas restricted due to setback requirements, environmentally sensitive areas, etc. It would be encouraging that these areas be developed and reserved to the study of nature. Once developed, it would also be encouraged that the site would be open to schools of the area in their environmental studies.
 - l. Plan that provides a minimum guaranteed length of time during which county residents and businesses shall have access to the site.
 - m. Plan that establishes a property value protection program to protect residents located within 2,500 feet of the site from property value loss occasioned by the siting of the solid waste or hazardous waste facility.
 - n. Plan for provisions for financial and/or physical support of, and interaction with, waste diversion and waste screening programs such as "Clean Sweep" program under which hazardous household waste would be received at the site for disposal of by the applicant.
- (8) *Closure plan.* The applicant shall submit an outline describing the proposed type of final closure for the site, its proposed post-closure uses of the site, and a statement as to its ability to provide closure, long-term care and corrective actions required under Wis. Stats. ch. 289, Also included with the closure plan would be a site plan drawn to a scale no less than one inch to 200 feet.
- (9) *Other information.*
- a. Copies of any current financial statements or other relevant financial information describing the current financial condition of the applicant. An amount of not less than \$200,000.00 in a form acceptable to the county sufficient to show financial viability of the applicant to construct and operate the facility as well as undertake its responsibilities as set forth in this chapter and statute and will save harmless, indemnify and defend the county, its officers, its representatives and its agents from any expenses or costs incurred through action by the applicant with regard to the facility.
 - b. A written authorization by the applicant, in a form satisfactory to the county, authorizing the county, its representatives and its agents to enter, upon reasonable notice to the applicant, the facility for the purpose of inspection of the premises and for any future inspection of any solid waste or hazardous waste that may be disposed, stored or treated. This authorization for access to and inspections by the county, its representative or its agents shall apply from the date of application through construction, operation, maintenance, closure and longterm care of the solid waste facility or hazardous waste facility. This authorization during that time period shall also allow the county, its representatives or its agents to receive solid waste, hazardous waste or soil samples for waste characteristics testing of the solid waste or hazardous waste, to receive samples for the groundwater in any monitoring wells, to receive samples for the testing of leachate, if any, in the leachate storage facility and to receive dust samples for the testing of the air quality at the solid waste facility or at the hazardous waste facility.

- c. A signed sworn statement by the applicant, in a form satisfactory to the county, wherein the applicant agrees that the applicant will save harmless, indemnify and defend the county, its officers, its representatives and its agents from any costs or expenses incurred by the county, its officers, its representatives or its agents through the failure of the applicant, its representatives, its agents or its assigns to construct, operate, maintain, close and provide longterm care for the solid waste facility or hazardous waste facility as required by federal laws and federal regulations, by state law and state regulations, by this chapter, by any issued permit and by any conditions contained within the permit, including any reasonable costs or reasonable expenses the county may incur in labor and equipment for correcting any conditions of the permit or violations of this chapter, whenever the county determines it is necessary and appropriate for the county to correct any condition of the permit or violations of this chapter or to repair any damages occurring as a result of any violation of this chapter, as a result of any violations of the conditions of the permit, or as a result of the negligence of the applicant, its representatives, its agents or its assigns. Also wherein the applicant further agrees to save harmless, indemnify and defend the county, its officers, its representatives or its agents from any claim for damages, fines or forfeitures brought by a third party against the county, its officers, its representatives or its agents, where the claim is related to or is a result of the construction, operation, maintenance, closure and long-term care of the proposed solid waste facility or hazardous waste facility. By such sworn statement, the applicant further agrees to reimburse the county for any actual expenses, costs and fees expended by the county in enforcing this chapter or in enforcing any permit or condition of any permit issued under this chapter against the applicant, its representatives, its agents or its assigns.

- d. No permit shall be issued, reissued, nor shall remain effective unless there is on file from the applicant with the county treasurer a cash bond or a bond with a corporate surety, duly licensed in the state, in the penal amount of \$200,000.00 to ensure that the applicant, its representatives, its agents and its assigns will comply with all the terms, conditions, provisions, requirements and specifications contained in this chapter. Before the issuance or reissuance of the permit and before the acceptance of the bond by the county treasurer, the bond shall be approved by the corporation counsel. If a corporate bond is offered, it shall be executed by a company authorized to transact business in the state. If a cash bond is offered, it shall be deposited with the treasurer, who shall give his official receipt thereof reciting that such cash has been deposited in compliance with, and subject to, provisions of this chapter. Failure by the applicant to maintain the approved bond in the amount noted during the period of the permit shall automatically terminate the permit. Upon the failure to maintain the approved bond in the amount noted by the applicant, the county shall have the right to obtain a court order that will terminate any current and future disposal operations, storage operations or treatment operations at the solid waste facility or the hazardous waste facility. The court order will, in addition, require immediate final closure of the solid waste facility or of the hazardous waste facility.

- e. The county may require such other information as may be necessary to determine the nature of the solid waste or hazardous waste facility, the impacts on the surrounding area and other impacts to the county. The county may waive portions

of the specified information if it is satisfied that the same is not relevant or necessary for a full and proper evaluation of the application.

(Ord. No. 1998-4, § VI, 6-16-1998)

Sec. 54-43. Application review process.

(a) Prior to any general public hearing on the application for a permit, the county planning and zoning committee and the county's appropriate staff shall examine the application and any other plans or pertinent information submitted by the applicant. A copy of the application shall be forwarded by the town clerk of the town in which the applicant is located. The county shall coordinate its investigation with the applicable town to determine whether the construction, operation or maintenance of the proposed solid waste facility or the proposed hazardous waste facility and the granting of the permit to the applicant by the county would or would not violate any ordinance or regulation of the county or the applicable town, would or would not in any way create a hazard or menace to the public health or safety, or create a nuisance to the residents of the county or the applicable town.

(b) The county shall also determine whether or not the granting of a permit in the location described in the application would be a violation of any zoning regulations of the county or of the applicable town. The county shall also determine what, if any, negative or positive effects or impacts the construction, operation, and maintenance of such proposed solid waste facility or proposed hazardous waste facility may have upon the future character of the local neighborhood, upon the future traffic conditions, upon municipal services and costs, upon the future public utilities' needs, and any other negative and positive effects and impacts pertinent to the short-term and long term health, environmental, financial, safety and welfare conditions of the town, county and its residents.

(c) Prior to issuance of denial of any permit for a proposed solid waste facility or proposed hazardous waste facility, there shall be a general public hearing on the application for a permit. The completed application with the appropriate bond shall be on file with the county planning department at least 60 days prior to the general public hearing. Prior to the general public hearing, the county planning and zoning committee may request the applicant to meet personally with the county, its representatives or its agents to discuss the application, the bond or any other relevant concerns. No general public hearing shall be held until the county deems the application for a permit is complete, approves the bond and receives the appropriate initial application fee from the applicant.

(d) The general public hearing shall be conducted under the following terms:

(1) *Notice of hearing.* Notice of the public hearing shall be published as a class 2 notice under Wis. Stats. ch. 985. In addition, notice of the public hearing shall be mailed to the last known address of all owners of property within 2,500 feet of the subject property. Failure to comply with this notice procedure shall not invalidate any action taken by the county.

(2) *Public hearing.* At the public hearing on the application, the county shall hear and receive any evidence or testimony presented by the applicant or authorized agents. At the conclusion of the applicant's presentation, the county shall hear any public comments from those in support of and from those in opposition to the application from the applicable town board and from any experts employed or retained by the county. Such comments or testimony shall be considered in establishing conditions for the permit beyond the minimum required by this chapter. The applicant shall be given an opportunity to respond to any comments, evidence or recommendations.

- (3) *Standards for evaluation and approval.* The county shall review all aspects of the application as it relates to potential impacts on nearby residents, the local business community, the county, the environment and to otherwise comply with the intent and purpose of this chapter. The county shall review the potential shortterm and longterm adverse or positive effects and impacts of the proposed facility on the following:
- a. Existing roads, bridges, traffic flow, traffic pattern, exits and designated access routes;
 - b. Surface water quality and drainage;
 - c. Groundwater quality and public and private drinking water quality;
 - d. Air quality;
 - e. Adjacent wetlands, floodplains, forests, agricultural and unique lands;
 - f. Current and future land uses and current and future land values;
 - g. Soil erosion;
 - h. County and town zoning and county and town planning;
 - i. County and town appropriations and revenues;
 - j. Public safety of the county and town residents;
 - k. Public health of the county and town residents;
 - l. Existing topography and existing vegetation;
 - m. Existing wildlife habitat and existing domestic animals.
- (4) *Approval and denial.* Within 120 days following the hearing, the county planning and zoning committee shall make a recommendation to the county board whether to grant or deny the application based upon specific findings and conclusions. This time period can be extended upon mutual agreement between the applicant and the county. The county board shall act on such recommendations within 30 days of the receipt of the recommendation.
- (5) *Conditions for approval.* The approval of an application may be conditioned upon the applicant meeting certain operational, closure and restoration provisions and standards. In addition, the approval shall be specifically conditioned upon the permit being incorporated into the final negotiated agreement as set forth under Wis. Stats. ch. 289.
- (6) *Noncompliance.* If, at any time, the permittee fails to meet the financial requirements or other conditions of the permit and negotiated agreement, a county representative shall notify the permittee that it has 90 days in which to come into compliance. If after 90 days the permittee remains in noncompliance, a meeting shall be held between the county and

the permittee at which time the county may rescind the permit.

(e) The applicant is responsible for payment of an annual fee for a permit in the sum of \$1,000.00. No such permit shall be issued or reissued except on direction by the planning and zoning committee, and the permit shall not be transferable. Any transfer of ownership, operation, maintenance, possession or control of the solid waste facility or hazardous waste facility by the applicant will automatically terminate the permit.

(f) Prior to the annual permit issuance by the committee, applicable county staff should report on the operation of the facility and its compliance with the terms of this chapter and the conditions of approval. If compliance does not exist, the committee has the right to not issue the permit. The solid waste or hazardous waste facility cannot operate without the existence of a permit. (Ord. No. 1998-4, § VII, 6-16-1998)

Secs. 54-44--54-70. Reserved.

ARTICLE III.

GENERAL REGULATIONS REGARDING SOLID WASTE FACILITIES AND HAZARDOUS WASTE FACILITIES*

* **Cross References:** Environment, ch. 18.

Sec. 54-71. Applicability of article provisions.

The provisions of this article shall be applicable to persons constructing, operating, maintaining, closing, or providing long term care at a solid waste facility or at a hazardous waste facility in the county or any person transporting to and from a solid waste facility or to and from a hazardous waste facility within the county. (Ord. No. 1998-4, § VIII, 6-16-1998)

Sec. 54-72. Transportation requirements.

(a) No person, including any person permitted by the county to construct, operate or maintain a solid waste facility or a hazardous waste facility, shall use any roadway as a route of travel to and from any proposed or existing solid waste facility or proposed or existing hazardous waste facility unless that roadway is established and authorized by the county as the designated roadway. Any person constructing, operating, maintaining, closing, or providing longterm care at a solid waste facility or at a hazardous waste facility within an applicable town shall fully comply with all town roadway regulations.

(b) Any person responsible for transport of solid waste or hazardous waste shall use vehicles that are constructed in such a manner to prevent any portion of the solid waste or hazardous waste or any other materials from disposing, leaking, spilling, falling or escaping from any vehicle onto any public road or other public or private property in the county.

(c) Solid and hazardous wastes shall only be transported during the hours and days

established and authorized by the county.

(d) The applicant shall prepare a list of authorized transporters who will be allowed to transport, which shall contain the names, addresses and telephone numbers. This list shall, prior to commencement of daily disposal, storage or treatment operations, be filed with the town clerk of the respective town. No transporter, other than an authorized transporter or any transporter on any updated list filed with the county, shall be allowed to transport waste.

(Ord. No. 1998-4, § VIII(A), 6-16-1998)

Sec. 54-73. Report requirements.

(a) Any person holding a permit by the county to construct, operate and maintain a solid waste facility or hazardous waste facility shall file an annual written report by April 1 with the county planning department with an attached sworn statement verifying the completeness of the enclosed report detailing the following prior year disposal, storage and treatment activity at the solid waste facility or at the hazardous waste facility, namely:

- (1) The amount and type of solid waste or of hazardous waste disposed, stored or treated during that prior year.
- (2) The sources of solid waste or hazardous waste disposed, stored or treated during that prior year.
- (3) The names and addresses of all authorized transporters and the names and addresses of all responsible parties authorized to manage and control the daily operations, storage operations or treatment operations during that prior year.
- (4) Copies received by the person holding the permit during the prior year of any groundwater, private well, gas, leachate and air quality testing or monitoring data related to the solid waste facility or to the hazardous waste facility.
- (5) Copies received by the person holding the permit during the prior year of all citizen complaints.
- (6) Copies forwarded by the person permitted during the prior year of all engineering reports, monitoring reports, administrative documents and court documents to the state department of natural resources, the United States Environmental Protection Agency and to any other state or federal agency related to the solid waste facility or to the hazardous waste facility.

(b) Any person holding the permit shall require all persons transporting wastes to complete and sign a form at the time of entering the solid waste facility or hazardous waste facility, noting on the form the following:

- (1) The source of the waste;
- (2) The type of waste;
- (3) The amount of waste;

- (4) The date of disposal, storage or treatment;
- (5) The name and address of the authorized transporter;
- (6) The signature of the authorized transporter or signature of the agent of the authorized transporter.

Such completed forms shall be compiled daily by the person holding the permit. Also, on a monthly basis, a copy of such completed forms shall be sent to the county within ten days of the preceding month. Copies of these daily disposal, storage or treatment forms shall be kept on the premises at all times during the daily disposal, storage or treatment operations.

(c) Any person holding a permit shall report within 24 hours, in writing to the county, any oral or written information received regarding the following occurrences related to the solid waste facility or the hazardous waste facility:

- (1) Any occurrences causing physical injury where medical treatment has been received by any person.
- (2) Any hazardous waste entering or exiting the solid waste facility and any hazardous waste disposed, stored or treated at the solid waste facility.
- (3) Any permanent, emergency or temporary closing of the solid waste facility or of the hazardous waste facility and any substantial repair or reconstruction at the solid waste facility or at the hazardous waste facility.
- (4) Any government ordered closing of the solid waste facility or of the hazardous waste facility.
- (5) Any transfer or assignment of ownership, possession, control or operation of the solid waste facility or of the hazardous waste facility.
- (6) Copies received by the person holding the permit of any groundwater test results from private wells of residents living within 2,500 feet of the solid waste facility or the hazardous waste facility demonstrating that these water samples from the private wells do not meet the state department of natural resources primary or secondary drinking water standards as established by law and state regulations.
- (7) Any fire, explosion or other emergency public health or safety conditions at or near the solid waste facility or the hazardous waste facility that are related to the construction, operation, maintenance, closure or longterm care of the solid waste facility or the hazardous waste facility.
- (8) Copies received by the person holding the permit of written complaints or written inquiries that are related to the construction, operation, maintenance, closure or longterm care of the solid waste facility or the hazardous waste facility.

(Ord. No. 1998-4, § VIII(B), 6-16-1998)

Sec. 54-74. Operation requirements.

(a) *Maintenance of care.* Any person issued a permit by county to construct, operate and maintain a solid waste facility or a hazardous waste facility shall construct, operate, maintain, close and provide long-term care of the solid waste facility or the hazardous waste facility in a nuisance-free status to avoid any public or private nuisance. Notwithstanding any provision of this chapter, the county may commence and maintain an action under statutory or common law nuisance against any person, including the person so permitted. Should the county succeed against such person in any action for private or public nuisance, the county shall be entitled to judgment for damages and costs, including reasonable attorneys' fees, and may obtain a judgment and an order against such person that the public nuisance be abated at or near the facility.

(b) *Removal of waste near facility.* Any person holding a permit shall police and, when appropriate, remove on a daily basis, during disposal operations, storage operations or treatment operations any solid waste or hazardous waste disposed on the roadways or rights-of-way at least within one mile of the entrance facility. Any windswept solid waste that becomes deposited upon properties of the area is also the responsibility of the holder of the permit and a cleanup must occur within a 48-hour period.

(c) *Covering solid waste.* Any person holding a permit shall cover all solid waste disposed at the solid waste facility with sufficient and necessary cover materials to eliminate litter, discharge, objectionable odors and objectionable dust.

(d) *Fences and gates.* Any person holding a permit shall erect and maintain temporary and permanent fences or take such other measures as may be appropriate and necessary to control the blowing of paper and to control the discharging of other materials from the solid waste facility or from the hazardous waste facility. Any person holding a permit shall provide and maintain appropriate and necessary physical and personnel security protections, including fences and lockable gates. The person so permitted shall lock all gates at the facility except during disposal operations, storage operations, and treatment operations or except during emergencies. The person so permitted shall conduct the disposal operations, storage operations and treatment operations in such a manner that any dust, dirt, debris, other materials or any other substance will not be carried by the wind across the boundary of the solid waste facility or the hazardous waste facility onto adjoining properties. The person so permitted shall provide sufficient cover materials for the solid waste or hazardous waste at the end of each operational day, as well as when wind conditions warrant throughout the day, with these sufficient cover materials to prevent blowing papers and unsightly conditions at the solid waste facility or at the hazardous waste facility.

(e) *Attendant.* The person so permitted to construct, operate and maintain the facility shall have an attendant employee at the facility whenever disposal operations, storage operations or treatment operations are occurring and the person so permitted shall have an attendant agent "on call" to respond to emergencies whenever disposal operations, storage operations or treatment operations are not occurring at the facility. The county shall be provided, in writing by the person so permitted, the names, addresses, and telephone numbers of all attendant employees or attendant agents who will be at the facility during disposal operations, storage operations or treatment operations and who will be "on call" when disposal operations, storage operations or treatment operations are not occurring.

(f) *Responsible managers.* The person permitted shall provide the county, prior to commencement of operations, the names, addresses, and telephone numbers of the responsible managers who are responsible to manage, control and administer the solid waste facility or the hazardous waste facility, including the transportation to and from, the construction, operations, disposal, maintenance and

closure of the facility.

(g) *Groundwater monitoring.*

- (1) The person permitted shall provide groundwater monitoring wells which shall be maintained from licensure of the facility until 40 years after final closure around the perimeter of the facility. There shall be a performance boundary inside the property limits of the facility. Groundwater from private wells within 2,500 feet of the facility and from monitoring wells around the perimeter shall be evaluated to establish baseline data. With prior written consent of the owners, one round of testing of the private wells and testing of the monitoring wells will be accomplished by the person permitted within one year after the permit issuance but prior to the facility receiving waste material. This well testing to establish baseline data will include testing for the parameters set forth in Table 1. The joint committee identified in this section will include a consultant mutually acceptable to the county and the person permitted who shall inspect the wells for casing integrity within 60 days after the permit issuance. No testing, well replacement or water replacement under this section shall be required by person permitted for any well capped by a landowner, any well having a cracked or damaged casing, as determined by the joint committee, or any well that does not meet the requirements of the Wisconsin Administrative Code for private potable water, as determined by the joint committee. If any such deficiency in a well is noted by the joint committee and in writing to the well owner, the county, and the person permitted, and it is cured to the satisfaction of the joint committee by the well owner within 90 days after such identification, such well shall be included in subsequent testing, well replacement or water replacement. Any deficiencies in the cap or casing condition of the well or other deficiencies such that the well does not meet the requirement of the Wisconsin Administrative Code after licensure by the state department of natural resources of the facility shall be noticed by the joint committee to the permittee, the county and to the owners in writing, and if any such deficiency is cured to the satisfaction of the joint committee within 90 days after receipt of the notice by the well owner, such well shall be included in subsequent testing, well replacement or water replacement. The well water samples shall be analyzed by a certified laboratory. The person permitted shall, upon request of the county in writing, split samples with the county.

TABLE 1

Groundwater Elevation

Field Temperature

Field pH

Conductivity

Alkalinity

Hardness

Chemical Oxygen Demand

Chloride

Boron

Sulfate

Nitrate + Nitrite Nitrogen

Ammonia Nitrogen

Odor

Turbidity

Fluoride

Iron

Lead

Manganese

Arsenic

Total VOCs

- (2) The private wells within 2,500 feet of the facility that meet requirements of the Wisconsin Administrative Code for private potable water as determined by the joint committee upon licensure of the facility will be eligible to participate in an environmental monitoring program. The first well tests after the baseline tests shall be taken in the month of June (or other time within 60 days thereof as required by the state department of natural resources) first following licensure and shall continue for 40 years after final closure. The environmental monitoring program shall consist of periodic testing of such wells that meet code requirements and shall be based on state-of-the-art testing. This periodic testing for the 20 parameters set forth in Table 1 will be offered biannually during the first ten years following the licensure of the facility and annually thereafter to well owners who consent in writing in advance to such testing upon written request by the person permitted. The results and analysis of these tests shall be provided to the county by the person permitted within 30 days of receipt of the results. Disclosure of test results shall not be delayed without reasonable scientific basis. The tests shall be taken in June (or other time within 60 days thereof as required by the state department of natural resources) by the person permitted or its agents. If any additional water supply wells are constructed for human consumption within 2,500 feet of the facility or if fewer well water supplies are maintained in this area as operational for human consumption, then the number of water supply wells requiring testing, well replacement and water replacement by the person permitted shall increase or decrease respectively, subject to the reciprocal obligations in this section.
- (3) A performance boundary shall be established inside the property limits of the facility. The groundwater at this performance boundary shall be tested and monitored, prior to

licensure and for 40 years after final closure, via the monitoring wells thereat, by testing for at least the parameters listed in Table 1. The testing at the performance boundary shall be accomplished at least twice annually and the results disclosed to the county in writing within 30 days of receipt by the person permitted. Disclosure of test results shall not be delayed by the person permitted or its agents without reasonable scientific basis. Unless otherwise stated, all costs for testing, analysis and delivery by the person permitted and the costs of the joint committee per this section shall be at the expense of the person permitted. The well water samples shall be analyzed by a certified laboratory.

- (4) If at any time any well within 2,500 feet shall test positive for pollution, contamination or impurity presence exceeding a drinking water quality criterion established by either the state department of natural resources or the United States Environmental Protection Agency which may be caused either in whole or in part by disposal operations at the facility and which may make the water from such well unsuitable or unsafe for human or livestock use or consumption, the following procedure shall apply: The county, through notice to the person permitted, may require or instruct (in writing or orally with written confirmation as soon as possible) that the well owner use an alternative water supply. Upon such notice to the well owner and the person permitted, the well owner shall arrange for immediate short-term delivery of potable water, with the person permitted conditionally guaranteeing the costs of such temporary potable water delivery. The guarantee is conditional in that it is subject to a requirement of full repayment by the well owner as set forth in this section if the joint committee determines the facility or disposal operations at or near the facility is not the cause of the contamination, pollution or impurity. If potable water replacement to the well owner is required of the person permitted by the county extending beyond the initial period of immediacy, thereupon the person permitted shall, at his expense, arrange, provide and furnish to the owner and occupants of the affected property such amounts of potable water at such frequencies and durations of time as the county or its agent may require in writing. As an alternative, the person permitted may provide a new water source or well at least comparable in characteristics to the previous water source or well and free of such pollution, contaminations or impurity to the property affected and with the written approval of the well owner and county, which approval shall not be withheld unreasonably. If the person permitted offers this alternative and the owner refuses this alternative unreasonably or without good cause, as determined by the joint committee, then as to such well, no further testing, well replacement or water replacement under this section shall be required of the person permitted.
- (5) To ascertain causation of any well pollution, contamination or impurity on an eligible parcel, upon the request of the person permitted or the county, a joint committee composed of three persons shall be established within 30 days of request. The person permitted and the county shall each appoint a representative and the two representatives shall mutually agree to a third person who is a professional or certified person, such as a professional engineer or hydro geologist recognized as having knowledge relating to wells, groundwater, underground soil structure, groundwater migration and water testing, so as to be able to render a reasoned opinion as to the source of well contamination to a reasonable degree of scientific certainty. The majority written opinion of the three-member joint committee shall be final as to the issue of cause of well pollution, contamination or impurity, and the written opinion will include the ordered actions for the person permitted, if any, to remedy the pollution, contamination or impurity in the short term and long term with regard to supplying potable water, water replacement or

well replacement to the affected well owner.

- (6) If the joint committee in writing determines that the facility or disposal operations at or near the facility is the source of the well pollution, contamination or impurity to a reasonable degree of scientific certainty, the person permitted shall be obligated to supply potable water or provide a replacement well or a replacement water source free of contamination to the affected property as the joint committee directs within 30 days of receipt of the ordered action.
- (7) If the joint committee in writing determines that the facility or disposal operations at or near the facility is not the source of the well pollution, contamination or impurity to a reasonable degree of scientific certainty, the obligation of the person permitted to supply potable water or a replacement well or replacement water source shall cease, and all costs of well replacement or water source replacement and potable water incurred shall be repaid by the recipients and/or offset as noted in this section.
- (8) The obligation of the person permitted to supply potable water or to provide a replacement well or replacement water source is conditional upon the well owner and property occupants cooperating to allow reasonable unrestricted access, sampling and testing of the wells by the joint committee and by the person permitted or its consultants retained to conduct any investigation.
- (9) Parties eligible for financial assistance from the state for the replacement of private water supplies, well replacement and other water source replacement shall cooperate in making application for such funds. As to any eligible parcel, until the joint committee determines that the facility is not the cause of the well contamination, the person permitted shall pay all costs providing immediate water replacement or well replacement or replacement water source less any amounts paid for by the state program; however, if the joint committee determines that the facility is not the cause of the contamination, the county may assess the property owner to the extent permitted under applicable law to recoup all costs of water replacement or well replacement or replacement water sources to the extent that the county required the person permitted to provide or guarantee the same. Any such amounts assessable by the county as permitted by law, whether assessed in fact or not, shall be a credit or offset against any future sums payable by the person permitted. If there are costs that cannot be reimbursed by the state or assessed by the county, the person permitted reserves the right to proceed at law against the property owner unjustly enriched. Alternatively, the person permitted may proceed at law directly against such property owner unjustly enriched.

(h) *Rats, rodents, insects and weeds.* The person permitted shall store all materials salvaged in a building at the site location in such a manner as to prevent rat harborage and to avoid public nuisance. The person so permitted shall exterminate insects and rodents and shall destroy all noxious weeds at the facility.

(i) *Emergency equipment; repairs and reconstruction.* The person permitted shall maintain sufficient firefighting equipment and other appropriate emergency equipment at all times at the facility. The person so permitted shall immediately maintain, repair or reconstruct the facility, including any active fill area, upon information received that failure to repair or reconstruct the facility, including any active fill area, would or could present a danger to the public health, safety or welfare of any person.

(j) *Creation of hazards and nuisances.* The person permitted to construct, operate or maintain a facility shall not locate, construct, operate and maintain the facility where the disposal, storage or treatment of the waste or where the seeping, disposing, spilling, draining, emptying, pumping or escaping of any solid waste or hazardous waste from the facility would at any time constitute a private or public nuisance, would create a public health or safety hazard, would pollute the groundwater of adjacent properties, would pollute any surface water or groundwater, or would pollute the air.

(k) *Access roads.* The person permitted shall construct, operate and maintain all private access roads to ensure vehicle traffic in all types of weather conditions. There shall be available all necessary road maintenance equipment to ensure that traffic movement shall be maintained on the access roads during periods of heavy rain or heavy snowfall. Necessary precautions shall be taken to eliminate excess dust at the facility, including all private access roads to and at the facility. The person so permitted shall monitor and test air quality at the facility as necessary and appropriate or as required by the state department of natural resources.

(l) *Disposal of flammable or explosive material.* No person, including a person permitted to construct, operate and maintain a solid waste facility or a hazardous waste facility, shall dispose, store, treat or handle, in any way, any solid waste or hazardous waste at the facility, or that is not authorized for disposal, storage or treatment by the permit issued, or that creates a potential for a fire or for an explosion hazard, or that creates the potential to liberate hazardous or poisonous gas from the facility. Such person shall use structures, equipment, operational techniques and methods at the facility that will substantially reduce or eliminate any potential fires or potential explosion hazards and that will substantially reduce or eliminate any potential for the liberation of hazardous or poisonous gas.

(m) *Disposal of hazardous waste.* No person, including the person permitted, shall knowingly dispose, store or treat, in any way, hazardous waste at any solid waste facility. There shall be no separation or isolation of any particular solid waste or hazardous waste if any such solid waste or hazardous waste, which in combination with another solid waste or hazardous waste material, may cause a fire or explosion or may cause liberation of a hazardous or poisonous gas. The person so permitted shall not store, dispose or treat, in any way, a solid waste or hazardous waste at the facility that creates a substantial danger of leakage into the groundwater, the air or any surface water area or creates substantial danger of any damage to any person or property.

(n) *Maintenance of buildings and equipment.* The person permitted shall not construct, operate or maintain any buildings or any equipment at the site location other than buildings and equipment appropriate and necessary for the construction, operations, maintenance, closure, and long-term care of the facility. No person shall be allowed to operate or maintain any business, occupation, enterprise or operation at the site location except the specific disposal, specific storage or specific treatment operations authorized by the county.

(o) *Filling holes and ponds.* The person permitted shall make all reasonable efforts to cover with fill material all holes or ponds within the facility to the existing topography, except for the active fill area and except for any sedimentation basin designed and constructed to accept water from the facility. There is no allowance for the discharge of water from the sedimentation basin into any surface water discharge area at or near the facility until the surface water discharge area has been approved by the state department of natural resources.

(p) *Removal of topsoil.* The person permitted shall maintain and not remove or cause to have removed from the facility, except at the active fill area, any topsoil. Any topsoil removed from the active fill area shall not be removed at any time from the facility.

(q) *Landscaping and planting.* The person permitted shall provide and maintain sufficient landscaping and planting for the purpose of providing natural noise and natural aesthetic visual barriers at the facility.

(r) *Berms.* The person permitted shall plant and replant as necessary all appropriate berms, if any, with grass or other vegetation to prevent or reduce erosion at or near the berms.

(s) *Inspections.* The person permitted shall allow the county or its designated representative access to the site location for inspections at any reasonable time that access is requested. The person so permitted shall provide the county, whenever an analysis of solid waste, hazardous waste, soils, leachate, groundwater, surface water or dust is reasonably necessary to secure conformance with this chapter or to detect violations of the chapter, samples of the above-noted materials for such analysis.

(t) *PCBs, dioxins or radioactive material.* No person, including the person permitted, shall dispose, store or treat any polychlorinated biphenyls (PCBs), any dioxins or any radioactive material at a solid waste facility or at a hazardous waste facility or at any other location within the county.

(u) *Telephone and electrical services required.* The person permitted shall install and maintain telephone and electrical services at the facility. Automatic security lights shall be provided.

(v) *Required warning signs.* The person permitted shall install and maintain at or near the entrance to the solid waste facility a sign which shall contain a statement in large letters of at least 12 inches in height that reads: "NO HAZARDOUS AND OTHER UNAUTHORIZED SOLID WASTE IS ACCEPTED."

(w) *Prohibited signs; exception.* The person permitted shall not construct, install or maintain any signs that will give notice to the public of the existence of the solid waste facility or of the hazardous waste facility, or will describe the location of the facility except those signs otherwise noted in this chapter and except those signs required by the state department of natural resources and except those signs approved by the county.

(x) *Open burning.* The person permitted shall not allow at any time open burning at the facility unless with written approval of the county planning and zoning committee.
(Ord. No. 1998-4, § VIII(C), 6-16-1998)

Sec. 54-75. Financial requirements.

(a) A person permitted by the county to construct, operate and maintain a solid waste facility or a hazardous waste facility shall reimburse the county for all additional reasonable costs incurred by the county above and beyond the costs and services normally provided or incurred at no cost by the county to residents of the county in the responding to or acting upon specifically any fires, discharges, explosions, accidents, hazards and other emergency needs at the solid waste facility or at the hazardous

waste facility. The county, after incurring these services and costs, shall determine the reasonable costs to be reimbursed by the person so permitted. These services and costs provided may include necessary and reasonable services and costs not requested by the person so permitted, its officers, its employees, its agents and its authorized transporters, but may be services incurred by the county through its lawfully delegated power to protect public health, welfare and safety in the county and to protect the natural resources of the county.

(b) The county, as a condition of the permit, during the permit period, shall not be obligated, nor shall it have any duty or responsibility in any way to the so permitted person, its officers, its employees, its agents, its assigns or its authorized transporters to acquire or supply any additional or specialized machinery or equipment to be used for occurrences such as fires, accidents, explosion discharges or hazards, or to be used for the other emergency needs at or near the solid waste facility or at or near the hazardous waste facility, all which may occur due to transportation to and from, disposal, construction, maintenance, operation, closure and longterm care of the facility.

(c) The county, as a condition of the permit, shall not be obligated, nor shall it have any duty or responsibility in any way to the so permitted person, its officers, its employees, its agents, its assigns or its authorized transporters to employ or retain any additional or specialized personnel to be used for discharges or hazards or to be used for other emergency needs at or near the solid waste facility or at or near the hazardous waste facility, all of which may occur due to the transportation to and from, disposal, construction, operations, maintenance, closure, and longterm care of the solid waste facility or of the hazardous waste facility.

(Ord. No. 1998-4, § VIII(D), 6-16-1998)

Chapters 55--57

RESERVED

Chapter 58

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

* **Cross References:** Buildings and building regulations, ch. 10; environment, ch. 18; floods, ch. 26; parks and recreation, ch. 46; subdivisions, ch. 62; traffic and vehicles, ch. 70; utilities, ch. 74; waterways, ch. 78; zoning, ch. 82.

Sec. 58-1. Numbering of buildings.

Sec. 58-1. Numbering of buildings.

(a) *Required; use of baselines.* All buildings for residential, commercial or industrial uses in the county shall be assigned numbers based upon this section. The baselines in the county shall be the south county line and the east county line. The numbers shall start at 100 from each such baseline. Odd numbers shall be given to buildings on the west side of roads running in a northerly and southerly direction and buildings on the south side of roads running in an east and west direction. Even numbers shall be given to buildings on the east side of roads running in a north and south direction, and on the north side of roads running in an east and west direction. From the established baselines for the county, there shall be 400 numbers per mile, with consecutive odd or even numbers every 26 feet on each side of the road.

(b) *Assignment method.* For future construction in the county, the number, consistent with this section, shall be assigned upon the granting of a building and/or sanitary permit or the approval of a survey map. Only one number shall be assigned to any dwelling or principal building, except duplexes shall be assigned two consecutive even or odd numbers. Both future and existing duplexes shall use the numbering system. Under circumstances where there are three or more units per dwelling a suffix "A," "B," "C," etc., shall be used.

(c) *Location.* The assigned number is to be placed on a signpost on the side of the driveway on which the building is located. The number may be placed on the building, if the building is located within 100 feet of the centerline of the public road. The numbers placed under this section on either the signpost or building are to be affixed to be read horizontally.

(d) *Size.* The county shall select a number, and each digit shall be at least 3 1/2 inches and 2 1/2 inches wide. All numbers must be in digital form. Each property is required to display the standardized number provided by the county. The number shall be conspicuously displayed so as to be easily discernible from the roadway.

(e) *Assignment responsibility; costs.* It is the responsibility of the county planning department to assign all new numbers and administer the provisions of this section within the unincorporated areas of the county. A supply of numbers will be made available at the department that meets the minimum standards of subsection (d) of this section. The costs of the digits, plate and post shall be borne by the property owner or the township if so determined by the town. For the purpose of facilitating correct numbering, newly assigned numbers and maps showing the rural numbers of all buildings shall be kept on file in the office of the planning department and shall also be made available to townships, emergency units, etc., that are in need of their use.

(f) *Property owner responsibility.* Property owners are responsible to post and maintain their rural number in a fashion that meets the requirements of Ord. No. 1979-1 and subsequent amendments.

Failure to maintain their number after notification will cause property owners to be subject to the penalty provision identified under subsection (g) of this section.

(g) *Penalties.* Anyone who refuses to post, removes, destroys or alters a sign erected pursuant to this section shall be subject to a forfeiture of no less than \$25.00 or more than \$200.00, or upon failure to pay such forfeiture, may be imprisoned no more than 30 days.

(h) *Townships assuming authority and responsibility.* Townships are authorized to utilize their own signs with numbers assigned by the county. When this occurs, the township must adopt a section that gives them this authority. The section must address the specifications of the sign used, its location, its maintenance, and a penalty provision. The township will assume responsibility for supplying the signs as well as all associated liability.

(Ord. No. 1994-1, §§ 1--7, 4-19-1994; Ord. No. 1999-6, 9-21-1999)

Chapters 59--61

RESERVED

Chapter 62

SUBDIVISIONS*

* **Cross References:** Buildings and building regulations, ch. 10; environment, ch. 18; floods, ch. 26; streets, sidewalks and other public places, ch. 58; utilities, ch. 74; waterways, ch. 78; zoning, ch. 82.

Sec. 62-1. Ordinances saved from repeal.

Sec. 62-1. Ordinances saved from repeal.

All ordinances regarding subdivisions and platting are excepted from the Code but saved from repeal, and such ordinances shall continue in full force and effect as if fully set forth in this section.

Chapters 63--65

RESERVED

Chapter 66

TAXATION*

* **Cross References:** Any ordinance providing for an annual tax levy on real estate saved from repeal, § 1-4(a)(8); administration, ch. 2; finance, § 2-101 et seq.

Sec. 66-1. Enforcement of the collection of tax liens.

Sec. 66-2. Penalty on real taxes, special assessments and personal property taxes.

Sec. 66-3. Penalty on delinquent real estate taxes and special assessments.

Sec. 66-1. Enforcement of the collection of tax liens.

From and after January 1, 1973, the county elects to adopt the provisions of Wis. Stats. § 75.521 for the purpose of enforcing tax liens in the county in the cases where the procedure provided by such section is applicable.

(Ord. No. 39, 11-28-1972)

Sec. 66-2. Penalty on real taxes, special assessments and personal property taxes.

Pursuant to Wis. Stats. § 74.47, the county imposes a penalty of 0.5 percent per month or fraction of a month, in addition to the interest provided by such statute, on all real estate taxes, special assessments and personal property taxes that are overdue or delinquent.

(Ord. No. 1989-6, § 1, 12-19-1989)

Sec. 66-3. Penalty on delinquent real estate taxes and special assessments.

(a) The county imposes a penalty of 0.5 percent per month, or fraction of a month, in addition to the interest provided by statute on all real estate taxes and special assessments that are overdue or delinquent on or after the effective date of the ordinance from which this section is derived.

(b) The county treasurer shall exclude the additional revenue generated by this penalty from the distributions required by Wis. Stats. §§ 74.03(7) and 74.031(12)(c) and (d).

(Ord. No. 1983-6, §§ 1, 2, 8-23-1983)

Chapters 67--69

RESERVED

Chapter 70

TRAFFIC AND VEHICLES*

* **Cross References:** Law enforcement, ch. 38; offenses and miscellaneous provisions, ch. 42; motor vehicles and snowmobiles in parks, § 46-3; streets, sidewalks and other public places, ch. 58.

Article I. In General

Sec. 70-1. Signals ratified.

Sec. 70-2. State traffic forfeiture laws adopted.

Sec. 70-3. Penalty for violation of chapter.

Sec. 70-4. Reserved

Sec. 70-5. Escort fees for overweight and oversized vehicles.

Sec. 70-6. Abandoned vehicles.

Sec. 70-7. Inline skates on county trunk highways.

Sec. 70-8. Motor vehicles on icebound inland lakes.

Sec. 70-9. Speed limits.

Secs. 70-10--70-40. Reserved.

Article II. Snowmobiles

Sec. 70-41. State snowmobile forfeiture laws adopted.

Sec. 70-42. Penalty for violation of article.

Secs. 70-43--70-70. Reserved.

Article III. All-Terrain Vehicles (Atvs)

Sec. 70-71. State all-terrain vehicle forfeiture laws adopted.

Sec. 70-72. Penalty for violation of article.

ARTICLE I.

IN GENERAL

Sec. 70-1. Signals ratified.

All traffic control signs, signals, devices and markings in place on the date of adoption of this Code are expressly ratified and confirmed by the board of supervisors.

Sec. 70-2. State traffic forfeiture laws adopted.

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

(Ord. No. 1990-2, § 2, 5-22-1990)

Sec. 70-3. Penalty for violation of chapter.

The penalty for violation of any provision of this chapter shall be a forfeiture, together with the cost of prosecution imposed as provided together with the cost of prosecution as set forth in the state uniform bond/bail schedule, as amended from time to time.

(Ord. No. 40, § 6, 12-19-1972)

Sec. 70-4 Reserved.

Sec. 70-5. Escort Fees/Permits for Overweight and Oversized Vehicles.

(a) Permit for Operation of Oversized Vehicles Upon County Trunk Highways.

(1) Compliance with Ordinance: Any person, firm or corporation seeking to operate an oversized vehicle upon a Calumet County Trunk Highway shall comply with the requirements of this Ordinance.

(2) Oversized vehicle means any vehicle that is overwide, overhigh, overlong, or overweight, in contravention of §348.05, §348.06, §348.07, or §347.15, Wisconsin Statutes, and as amended.

(3) Permit Required to Operate Oversized Vehicle:

a. No person, firm or corporation shall operate an oversized vehicle upon County Trunk Highways without first obtaining a permit from the Calumet County Highway Commissioner or his or her designee.

b. Applications to permit oversized vehicles upon Calumet County Trunk Highways shall be applied for at the Calumet County Highway Department, 241 E. Chestnut St., Chilton, WI 53014, upon forms to be provided by the Calumet County Highway Commissioner.

c. The charge of \$100.00 shall be assessed to those making application for the issuance of a permit for the operation of an overweight vehicle upon Calumet County Highways. The charge of \$25.00 shall be assessed to those making application for the issuance of a permit for the operation of an overwide, overhigh, or overlong vehicle upon Calumet County Highways.

d. Permits shall be issued only in the name of the owner of the vehicle to be operated.

(4) Denial of Permit Application: The Calumet County Highway Commissioner or his or her designee may refuse to grant a permit upon application for the operation of an oversized vehicle upon Calumet County Highways under the following conditions:

a. When operation of such vehicle is reasonably likely to interfere with the safety of those persons utilizing Calumet County Trunk Highways.

b. When the weight of a vehicle is such so as to be likely to cause damage to a Calumet County Trunk Highway as a result of operation thereupon.

(5) Restrictions. The Calumet County Highway Commissioner or his or her designee may issue a permit for the operation of an oversized vehicle upon Calumet County Trunk Highways with such restrictions as it deems appropriate, so as to protect the safety and welfare of those persons utilizing Calumet County Trunk Highways.

(6) Appeal. Any order or decision issued pursuant to this section may be appealed to the Calumet County Highway Committee.

(b) **Escort Fees.** Applicants for trip permits for the movement of oversized or overweight vehicles or loads within the county shall pay to the county treasurer the sum of \$40.00 per hour per squad for patrol officer services when it is deemed necessary to have a patrol officer accompany the vehicle through a municipality or through the county, subject to a minimum fee of \$40.00.

(Ord. No. 1981-6, § 1, 9-29-1981; Ord. No. 2005-13, October 31, 2005.)

Sec. 70-6. Abandoned vehicles.

(a) *Vehicle abandonment prohibited.* No person shall leave unattended any motor vehicle, trailer, semi trailer or mobile home on any county highway or public or private property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any county highway or on any public or private property within the county without the permission of the owner for more than 72 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

(b) *Removal and impoundment.* Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under subsection (c) of this section, except that if the sheriff or his duly authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the county prior to expiration of the impoundment period upon determination by the sheriff or his duly authorized representative that the vehicle is not wanted for evidence or other reason.

(c) *Disposal.* If the sheriff or his duly authorized representative determines that the value of the abandoned vehicle exceeds \$100.00, he shall notify the owner and lienholders of record by certified mail that the vehicle has been deemed abandoned and impounded by the county and may be reclaimed within 15 days upon payment of accrued towing, storage and notice charges, and if not so reclaimed shall be sold. If an abandoned vehicle determined to exceed \$100.00 in value is not reclaimed within the period and under the conditions as provided in this section, it may be sold at private sale. After deducting the expense of impoundment and sale, the balance of the proceeds, if any, shall be paid into the county treasury. Any abandoned vehicle which is determined by the sheriff or his duly authorized representative to have a value of less than \$100.00 may be disposed of by direct sale to a licensed salvage dealer upon a determination that the vehicle is not reported stolen.

(d) *Owner responsible for impoundment and sale costs.* The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered for the sale of the vehicle may be recovered in a civil action by the county against the owner.

(e) *Notice of sale or disposition.* Within five days after the sale or disposal of a vehicle as provided in subsection (c) of this section, the sheriff or his duly authorized representative shall advise the state department of transportation, division of motor vehicles, of such sale or disposition on a form supplied by the division. A copy of such form shall also be given to the purchaser of the vehicle. A copy shall also be retained on file in the county.

(f) *Forfeiture.* Any person who shall abandon a vehicle in violation of this section shall, upon conviction, forfeit not less than \$500.00, together with the costs of prosecution.

(Ord. No. 40, § 5, 12-19-1972)

Sec. 70-7. Inline skates on county trunk highways.

(a) *Authority to restrict.* Wis. Stats. § 349.236 authorizes the county board to create an ordinance that restricts the use of inline skates on any roadway under its jurisdiction. This section establishes such restrictions.

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

Inline skates means skates with wheels arranged in a tandem line rather than in pairs.

(c) *State and local laws to apply.* Every person using inline skates upon a public roadway shall be subject to the provisions of all ordinances and laws applicable to the operator of any vehicle except those provisions with reference to equipment of vehicles and those provisions which by their nature would not be applicable.

(d) *Right-of-way.* Every person using inline skates upon a sidewalk or walkway shall yield the right-of-way to any pedestrian and exercise due care when passing any other persons proceeding in the same direction.

(e) *Use on roadway.* Every person using inline skates on a public roadway shall keep as close to the righthand curb or edge of the roadway as possible.

(f) *Exceptions to use.* It shall be unlawful to use inline skates on any roadway designated as a county highway within the county, except when crossing a county highway at a crosswalk.

(g) *Use while clinging to vehicle.* It shall be unlawful for any person using inline skates to cling to or attach to any bicycle or other moving vehicle upon a public roadway.

(h) *Obeying traffic signals.* Every person using inline skates on a public roadway shall stop for all arterial and automatic traffic signals.

(i) *Single file proceeding.* Every person when using inline skates upon a public roadway shall proceed in single file only and proceed with traffic, not against it.

(j) *Following traffic laws on right-of-way.* Operators of vehicles shall yield the right-of-way to a user of inline skates in the same manner as for bicyclists and pedestrians under Wis. Stats. §§ 346.23, 346.24, 346.37, and 346.38. Every person when using inline skates shall, upon entering a public roadway, yield right-of-way to motor vehicles, except that a person using inline skates shall be subject to the same regulations as bicyclists and pedestrians under Wis. Stats. §§ 346.23, 346.24, 346.37, and 346.38.

(k) *Penalty for violation of section.* The penalty for violation of this section shall be an amount not to exceed \$500.00.

(Ord. No. 1994-18, §§ 1--5, 11-28-1994)

Sec. 70-8. Motor vehicles on icebound inland lakes.

(a) *Purpose.* The purpose of this section is to regulate the safe operation of motor vehicles on icebound inland lakes in the county over which the county has jurisdiction. This section is enacted

pursuant to Wis. Stats. § 30.81(2). This section shall not regulate icebound inland lakes which are regulated by a valid town, village or city ordinance enacted pursuant to Wis. Stats. § 30.81(1) or (1m).

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

Law enforcement officer means as specified in Wis. Stats. § 165.85(2)(c) and includes a conservation warden.

Motor vehicle means a vehicle, including a combination of two or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. The term "motor vehicle" includes, without limitation, a commercial motor vehicle.

(c) *Motor vehicle operation generally.* No person may operate a motor vehicle on the frozen surface of inland lakes in the county within 100 feet of a person not in or on an all-terrain vehicle, snowmobile or motor vehicle or within 100 feet of a fishing shanty at a speed exceeding ten miles per hour. An operator of a motor vehicle shall yield the right-of-way to any persons who are not in or on an all-terrain vehicle, snowmobile or motor vehicle and who are within 100 feet of the operator's motor vehicle.

(d) *Speed.* No person shall operate a motor vehicle on the frozen surface of icebound inland lakes at a rate of speed that is unreasonable or improper under the circumstances.

(e) *Operation under the influence.* No person may engage in the operation of a motor vehicle on icebound inland lakes while under the influence of an intoxicant to a degree, which renders him incapable of safely operating such motor vehicle.

(f) *Hours of darkness.* Any person operating a motor vehicle on icebound inland lakes during hours of darkness is required to light all headlamps, taillamps, and clearance lamps with which the vehicle is required to be equipped.

(g) *Penalty.* The penalty for violation of any provision of this section shall be a forfeiture of not more than \$500.00, together with the costs of prosecution. The forfeiture for a violation of this section by a minor shall not exceed \$25.00.

(Ord. No. 1992-14, §§ 1--7, 11-17-1992)

Sec. 70-9. Speed limits.

The speed limits on specific streets and highways previously enacted by Ordinance 40 and its amendments are adopted by reference and may be reviewed at the highway department.

(Ord. No. 40, 12-19-1972)

Secs. 70-10--70-40. Reserved.

ARTICLE II.

SNOWMOBILES

Sec. 70-41. State snowmobile forfeiture laws adopted.

Except as otherwise specifically provided in this article, all provisions of Wis. Stats. ch. 350, as

amended, describing and defining regulations with respect to the use of snowmobiles in the state, for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are adopted and by reference are made part of this article as if fully set forth in this section. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this article.

(Ord. No. 59, § 1, 1-20-1976)

Sec. 70-42. Penalty for violation of article.

The penalty for violation of any provision of this article shall be a forfeiture as set forth in section 1-8, together with the costs of prosecution.

(Ord. No. 59, § 2, 1-20-1976)

Secs. 70-43--70-70. Reserved.

ARTICLE III.

ALL-TERRAIN VEHICLES (ATVs)

Sec. 70-71. State all-terrain vehicle forfeiture laws adopted.

This article is enacted pursuant to the authority granted in Wis. Stats. § 23.33(11). Except as otherwise specifically provided in this article, all provisions of Wis. Stats. § 23.33, and as hereafter amended, describing and defining regulations with respect to the use of all-terrain vehicles in the state, for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are adopted and by reference are made part of this article as if fully set forth in this section. Any act required to be performed or prohibited by a statute incorporated in this section by reference is required or prohibited by this article.

(Ord. No. 1992-13, § 1, 11-17-1992)

Sec. 70-72. Penalty for violation of article.

The penalty for violation of any provision of this article shall be forfeiture as set forth in section 1-8, together with the costs of prosecution.

(Ord. No. 1992-13, § 2, 11-17-1992)

Chapters 71--73

RESERVED

Chapter 74

UTILITIES*

* **Cross References:** Administration, ch. 2; buildings and building regulations, ch. 10; environment, ch. 18; floods, ch. 26; solid waste, ch. 54; streets, sidewalks and other public places, ch. 58; subdivisions, ch. 62.

Article I. In General

Sec. 74-1. Reserved

Secs. 74-2--74-30. Reserved.

Article II. Private Water Systems

Division 1. Generally

Sec. 74-31. Authority and adoption.

Sec. 74-32. Jurisdiction of article.

Sec. 74-33. Definitions.

Secs. 74-34--74-60. Reserved.

Division 2. County Administration

Sec. 74-61. County responsibilities for well and drill hole abandonment.

Sec. 74-62. Enforcement of state and local laws.

Sec. 74-63. Administrator.

Sec. 74-64. Violations.

Sec. 74-65. Administrator directives and orders.

Sec. 74-66. Enforcement actions.

ARTICLE I.

IN GENERAL

Secs. 74-2--74-30. Reserved.

ARTICLE II.

PRIVATE WATER SYSTEMS

DIVISION 1.

GENERALLY

Sec. 74-31. Authority and adoption.

(a) This article is adopted under the authority granted to the county by Wis. Stats. § 59.70 and Wis. Admin. Code NR ch. 812.

(b) This article is subject to the provisions of Wis. Admin. Code NR ch. 812 and Wis. Stats. §

160.07, and all rules promulgated thereunder regulating private water systems.

(c) This article may not be more lenient nor more stringent than the rules promulgated pursuant to Wis. Stats. ch. 160.

(d) Failure to comply with any of the provisions of such regulations shall constitute a violation of this article, actionable according to the penalties provided in this article.

(e) This article applies to the entire county and includes cities, towns, villages and sanitary districts in the county.

(Ord. No. 1994-8, § 2, 6-21-1994)

Sec. 74-32. Jurisdiction of article.

The provisions of this article shall apply to all private water systems within the county as they relate to well abandonment and drill hole abandonment.

(Ord. No. 1994-8, § 3, 6-21-1994)

Sec. 74-33. Definitions.

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

Administrator means the county employee designated by the county board of supervisors to administer Wis. Admin. Code NR ch. 112 pertinent to well abandonment and drill hole abandonment in the county as authorized by the department.

Central office means the bureau of drinking water and groundwater supply, located in Madison, Wisconsin, which functions as the coordinating authority for the statewide water supply program.

Community water system means as designated in Wis. Admin. Code NR § 811.02(7).

County office staff means county office personnel trained to answer general well abandonment and drill hole abandonment questions.

Delegation level means the program level, as set forth in Wisconsin Administrative Code, at which a county is authorized to administer and enforce Wis. Admin. Code NR ch. 812.

Department means the state department of natural resources.

District office means the department office located in Green Bay, Wisconsin.

Existing installations means as designated in Wis. Admin. Code NR ch. 812.

Health hazard means a condition which constitutes:

- (1) A violation of Wis. Admin. Code NR ch. 812, regarding the installation, construction, operation or maintenance of a private well; or
- (2) Confirmed bacteriologically-unsafe well water quality.

Noncommunity water system means a public water supply system that is not a community water system. It serves at least 25 persons per day at least 60 days each year. A noncommunity water system commonly serves a transient population rather than permanent yearround residents. This is typically an individual well serving a restaurant, industry, service station, tavern, motel, campground or church.

Noncomplying well or pump installation means a private water system not in compliance with all provisions of Wis. Admin. Code NR ch. 812, in effect at the time the well was constructed or the pump was installed.

Person means an individual, corporation, company, association, cooperative, trust, institution, partnership, state, public utility, sanitary district, municipality or federal agency.

Personal interest means having a financial interest in a property or being related by marriage or birth to a person having a financial interest in a property.

Primary drinking water standards mean those maximum contaminant levels which represent minimum public health standards set forth in law.

Private water system ordinance means a county ordinance, approved by the department, regulating private water systems at the county's authorized delegation level.

Private well means, for the purpose of this article, any drilled, driven point, dug, bored or jetted well constructed for the purpose of obtaining groundwater for potable use, including wells constructed in special well casing depth areas and noncommunity wells. It does not include springs or private or public wells that require written plan approval from the department.

Public water system means as designated in Wis. Admin. Code NR ch. 812.

Variance means an approval issued by the department under Wis. Admin. Code NR ch. 812, allowing a private water system to vary from Wis. Admin. Code NR ch. 812 requirements if department approved conditions are met.

Water system means the water collection, storage, treatment facilities and all structures, piping and appurtenances by which water is provided.

Well means as designated in law.

Well construction means the procedures, methods, materials and equipment used during the construction or reconstruction of a private well.
(Ord. No. 1994-8, § 9, 6-21-1994)

Cross References: Definitions generally, § 1-2.

Secs. 74-34--74-60. Reserved.

DIVISION 2.

COUNTY ADMINISTRATION*

* **Cross References:** Administration, ch. 2.

Sec. 74-61. County responsibilities for well and drill hole abandonment.

The county shall require the proper abandonment of wells not in service, or that will be taken out of service, if the well is abandoned or noncomplying. The county may require abandonment of a well with water exceeding a primary drinking water standard listed in Wisconsin Administrative Code, or other chemical compounds for which state health advisory limits have been issued, including inorganic and organic compounds, after consultation with and approval by the department.

(Ord. No. 1994-8, § 10, 6-21-1994)

Sec. 74-62. Enforcement of state and local laws.

The county shall cooperate with all other governmental units and agencies in the enforcement of all state and local laws and regulations pertaining to matters in this article.

(Ord. No. 1994-8, § 11, 6-21-1994)

Sec. 74-63. Administrator.

(a) The county planning director or designee shall act as the county administrator and is assigned the duties of administering the private water system program in accordance with department rules.

(b) The administrator shall have the power and duty to enforce the provisions of this article and all other ordinances, laws and orders of the county and of the state which relate to the abandonment of all private water systems within the county at the county's authorized delegation level.

(1) *Qualifications of administrator.* The administrator shall be informed on the principles and practices of well abandonment and drill hole abandonment.

(2) *Powers.* The county administrator shall have all the powers necessary to enforce the provisions of this article commensurate with the level of the county's delegated authority, including the following:

a. In the performance of his duties, the administrator or an authorized assistant may enter any building or property upon presentation of the proper credential, during reasonable hours for the purpose of inspecting the private water system for purposes pertinent to well abandonment and drill hole abandonment. No person may interfere with the administrator or an authorized assistant in the performance of his duties. Any person interfering shall be in violation of this article and subject to the penalty as provided by this article. If consent to enter a property for inspection purposes is denied, the administrator may obtain a special inspection warrant under Wis. Stats. § 66.0119.

b. Order any person owning, operating or installing a private water system to abandon, repair or place it in a complying safe or sanitary condition if the system

is found to be abandoned, or if not in compliance with Wis. Admin. Code NR ch. 812, or county ordinance.

- (3) *Duties.* It shall be the duty of the administrator to enforce the provisions of this article and perform the following duties commensurate with the level of the county's delegated authority:
- a. Provide the department with copies of all abandonment inspection forms and correspondence as required by Wisconsin Administrative Code.
 - b. Investigate and record all private water system complaints pertinent to well abandonment and drill hole abandonment.
 - c. Investigate cases of noncompliance with this article, Wis. Admin. Code NR ch. 812, and statute, issue orders to abate the noncompliance and submit violations to the district attorney or corporation counsel for enforcement.
 - d. Refer complaints and cases of noncompliance believed to be or known to be beyond the scope of the county's delegation level to the department.
 - e. Cooperate with all other government units and agencies in the enforcement of all state and local laws and regulations of matters related to this article.
 - f. Assist the department as specified in Wisconsin Administrative Code.
 - g. Refer variance requests and actions which require department approval to the department.
 - h. Advise owners not to drink or use water from private water systems under conditions specified in Wisconsin Administrative Code.

(Ord. No. 1994-8, § 12, 6-21-1994)

Cross References: Officers and employees, § 2-61 et seq.

Sec. 74-64. Violations.

The administrator shall investigate violations of this article and Wis. Admin. Code NR ch. 812, relating to the county's authorized delegation levels, issue orders to abate the violations and submit orders to the district attorney or corporation counsel for enforcement.

(Ord. No. 1994-8, § 14, 6-21-1994)

Sec. 74-65. Administrator directives and orders.

(a) *Field directive.* The administrator, after investigation and a determination that a violation exists, may issue a written field directive. This field directive may consist of a hand written note on an inspection report, or similar paper, identifying the violation that has occurred and assigning a date by which the violation must be corrected, and shall include the inspector's telephone number and office address.

(b) *Formal directive.* A formal letter may be issued, which states the violation, the ordinance (administrative rule or statutory) section violated, the date the violation was noted, the inspector who noted the violation and assigns a date by which the correction must be made.

(c) *Correction order.* Upon discovery and after documentation of a violation, the administrator may issue a corrective order. The administrator may use a stepped enforcement procedure by issuing a directive before an order or may proceed directly to issuing a correction order. An order shall include the following:

- (1) The location of the violation (site).
- (2) The name of the parties involved, the owner, the permittee, the well constructor or the pump installer.
- (3) The section of the ordinance and Wisconsin Administrative Code section violated.
- (4) The date of inspection of the site where the violation occurred.
- (5) The name of the person who conducted the inspection which revealed the violation.
- (6) The date by which the correction must be completed.
- (7) The name of the person who must be contacted regarding subsequent inspection of the site.
- (8) A statement that, if the order is not complied with, the administrator will refer the violation to the district attorney or corporation counsel with a recommendation to seek injunctive relief and/or forfeitures from the county circuit court. Orders must be signed by the administrator.
- (9) The administrator shall report all orders that have not been complied with to the corporation counsel for enforcement.

(Ord. No. 1994-8, § 15, 6-21-1994)

Sec. 74-66. Enforcement actions.

(a) An enforcement action may be brought by the district attorney or corporation counsel against a person for any of the following violations:

- (1) Failure to comply with any provision of this article;
- (2) Failure to comply with any directive or order issued by the county administrator;
- (3) Resisting, obstructing or interfering with the county administrator's or an authorized assistant's actions undertaken pursuant to this article.

(b) The district attorney or county corporation counsel may, for any violation, seek:

- (1) Injunctive relief; and/or
- (2) Forfeitures of not less than \$50.00 but not more than \$200.00;
- (3) Each day of violation is a separate offense;

- (4) Any person who has the ability to pay any forfeiture entered against him under this article but refuses to do so may be confined in the county jail until such forfeiture is paid, but in no event to exceed 30 days. In determining whether an individual has the ability to pay a forfeiture imposed under this article, all items of income and all assets may be considered regardless of whether or not the income or assets are subject to garnishment, lien or attachment by judgment creditors under law.

(Ord. No. 1994-8, § 16, 6-21-1994)

Chapters 75--77

RESERVED

Chapter 78

WATERWAYS*

* **Cross References:** Buildings and building regulations, ch. 10; environment, ch. 18; floods, ch. 26; parks and recreation, ch. 46; harbor and water regulations, § 46-6; shoreland-wetland, ch. 50; streets, sidewalks and other public places, ch. 58; subdivisions, ch. 62; zoning, ch. 82.

Article I. In General

Sec. 78-1. State watercraft vehicle forfeiture laws.

Sec. 78-2. Penalty for violation of chapter.

Secs. 78-3--78-30. Reserved.

ARTICLE I.

IN GENERAL

Sec. 78-1. State watercraft vehicle forfeiture laws.

This chapter is enacted pursuant to the authority granted in Wis. Stats. § 30.77. Except as otherwise specifically provided in this chapter, all provisions of Wis. Stats. §§ 30.50--30.80, and as hereafter amended, describing and defining regulations with respect to the use of watercraft vehicles in the state, for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are adopted and by reference are made part of this chapter as if fully set forth in this section. Any act required to be performed or prohibited by a statute incorporated in this section by reference is required or prohibited by this chapter.

(Ord. No. 2000-02, § 1, 4-18-2000)

Sec. 78-2. Penalty for violation of chapter.

The penalty for violation of any provision of this chapter shall be a forfeiture as set forth in section 1-8, together with the costs of prosecution.

(Ord. No. 2000-02, § 2, 4-18-2000)

Secs. 78-3--78-30. Reserved.

Chapters 79--81

RESERVED

Chapter 82

ZONING*

* **Cross References:** Any ordinance adopting or amending a comprehensive land development plan saved from repeal, § 1-4(a)(19); buildings and building regulations, ch. 10; environment, ch. 18; floods, ch. 26; streets, sidewalks and other public places, ch. 58; subdivisions, ch. 62; waterways, ch. 78.

Sec. 82-1. Ordinances saved from repeal.

Sec. 82-1. Ordinances saved from repeal.

All ordinances regarding zoning are excepted from this Code but saved from repeal, and such ordinances shall continue in full force and effect as if fully set forth in this section.

CODE COMPARATIVE TABLE

ORDINANCES

This is a chronological listing of the ordinances of the county used in this Code. Repealed or superseded laws at the time of the codification and any omitted materials are not reflected in this table.

Ordinance Number	Date	Section	Section this Code
29	8-18-1970	I--VII	42-6
35	9-26-1972	1--8	14-4
39	11-28-1972		66-1
40	12-19-1972		70-9
		5	70-6
		6	70-3
51	9-17-1974	2	78-31
		4, 5	78-32, 78-33
		7--15	78-34--78-42
		17	78-43
		23	78-44
59	1-20-1976	1, 2	70-41, 70-42
76	12-20-1977		1-8
1979-5	2-18-1979		1-8
1979-4	8-21-1979		1-8
			6-10
1981-6	9-29-1981	1	70-5
1982-61	2-15-1983(Res.)		34-1
1983-1	4-19-1983		1-8
1983-6	8-23-1983	1, 2	66-3
1987-13	12-15-1987		1-8
1987-15	2-16-1988	1.0--8.0	1-8
1988-10	9-27-1988	2, 3	38-3
1989-1	6-20-1989	1--12	18-1
1989-6	12-19-1989	1	66-2
1989-46	12-19-1989(Res.)		2-62
1990-1	4-17-1990		2-63
		2--10	34-3
1990-2	5-22-1990	2	70-2
1990-5	7-17-1990		1-8
1990-7	8-21-1990	1	2-1
1990-14	2-19-1991	1--8	18-4
1990-15	3-18-1991		1-8
		1--5	14-81--14-85
1991-4	4-16-1991	1, 2	2-102
1991-11	6-18-1991	1, 2	74-1
1992-13	11-17-1992	1, 2	70-71, 70-72
1992-14	11-17-1992	1--7	70-8
1993-1	4-19-1993	1--8b	18-3
1993-5	7-27-1993	1--3	6-1
1994-1	4-19-1994	1--7	58-1
1994-8	6-21-1994	2, 3	74-31, 74-32
		9	74-33
		10--12	74-61--74-63
		14, 15	74-64, 74-65
		16	74-67
1994-11	8-16-1994		14-44
		I	14-41
		III, IV	14-42, 14-43
1994-18	11-28-1994	1--5	70-7
1994-19	12-20-1994		1-8
1995-12	12-19-1995	1--9	2-64

1996-5	7-16-1996	1--3	18-2
1996-6	7-16-1996	1, 2	2-65
1997-4	11- 3-1997	1, 2	6-3
1997-12	12-16-1997	1--3	14-3
1997-18	2-17-1998	1	38-2
1997-19	3-16-1998	1.1--1.4	10-1
1998-8	5-19-1998(Res.)		34-2
1998-4	6-16-1998	I--III	54-1--54-3
		IV	54-6
		V--VII	54-41--54-43
		VIII	54-71
		VIII(A)--VIII(D)	54-72--54-75
		X	54-4
		XII	54-5
1999-5	7-20-1999		42-4
1999-6	9-21-1999		58-1
1999-15	12-21-1999	1	6-1
2000-02	4-18-2000	1, 2	78-1, 78-2
2000-10	5-16-2000(Res.)		2-61
2000-12	9-26-2000		2-61
2000-11	10-30-2000		2-102
		1	2-131
2000-20	3-20-2001	1--15	70-4
2001-10	10-29-2001	1	2-131
2001-11	10-29-2001	1	2-132
2001-18	2-19-2002	2--10	38-1
2002	6-18-2002	1	14-1
2002-2	6-18-2002	2	14-2
2002-11	7-16-2002(Res.)		2-63
2002-7	9-17-2002		2-131
2002-8	10-17-2002		1-8
			6-9
2002-16	1-21-2003		32-72
2002-21	2-18-2003		32-72
2002-22	3-18-2003		32-71
2003-6	6-17-2003	Ch. 32	32-71; 32-72
2003-7	6-17-2003	Ch. 32	32-17 to 32-72
2003-12	9-23-2003	Ch. 10	10-2
2003-18	12-16-2003	Ch. 32, Art. IV & V	32-71; 32-72
2003-19	12-16-2003	Ch. 2, Art. V	2-9 to 2-10
2003-20	12-16-2003	Ch. 1	1-8; 1-6 to 1-7
2003-21	12-16-2003	Ch. 42	42-5
2003-23	3-16-2004	Ch. 2, Art. III	2-61
2004-02	4-20-2004	Ch. 2, Art. I	2-3
2004-04	7-20-2004	Ch. 2, Art. V	2-132
2004-05	7-20-2004	Ch. 2, Art. V	2-131
2004-06	7-20-2004	Ch. 46	Entire chapter
2005-01	4-19-2005	Ch. 14, Art. I	14-5
2005-02	9-27-2005	Ch. 11	Entire chapter
2005-04	6-21-2005	Ch. 42	42-5
2005-05	6-21-2005	Ch. 2, Art. V	2-131
2005-08	7-19-2005	Ch. 38	38-1(a)(2)
2005-12	9-27-2005	Ch. 38	38-1
2005-13	10-31-2005	Ch. 70, Art. 1	70-5
2005-14	10-31-2005	Ch. 32, Art. 1	32-2, 32-4 & Art. III
2005-17	12-20-2005	Ch. 11, Art. 1	11-4
2005-18	12-20-2005	Ch. 1	1-8
2005-20	01-17-2006	Ch. 32, Art. 2	32-8, 32-13
2005-24	2-21-2006	Ch. 46	Entire chapter

2005-25	3-21-2006	Ch. 2	Art. IV & Art. V
2006-2	6-20-2006	Ch. 51	Entire chapter
2006-3	6-20-2006	Ch. 32	Art. II, Sec. 32-15 & 16

STATE LAW REFERENCE TABLE

This table shows the location within this Code, either in the text or notes following the text, of references to Wisconsin Statutes.

Wis. Stats. Section	Section this Code
17.06(3)	2-2
17.09	2-2
17.09(1), 17.09(2)	2-2
17.09(5)	2-2
17.10(4)	2-2
17.10(6)	2-2
17.16	2-2
23.33	1-8
	70-71
23.33(11)	70-71
24.01(11)	6-2
29.314	6-9
29.314(4), 29.314(5)	1-8
30.50--30.80	1-8
	78-1
30.65	78-35
30.74(1)	78-33
30.77	78-1
30.77(2), (3)	46-6
30.81(1), (1m)	70-8
30.81(2)	70-8
ch. 32	18-4
45.43(1)(b)	2-2
46.19	2-2
46.23	2-2
46.23(6)	2-63
46.23(6m)	2-2
46.82	34-3
46.82(5)	2-63
ch. 48	2-62
49.22(2m)	38-1
ch. 59	18-4
59.03(1)	2-1
59.06	34-1
59.10	2-32
59.18	2-61
59.18(1)	2-2
59.18(2)(b)	2-2
59.18(7)	2-2
59.34(1)	2-2
59.42	2-62
59.42(1)(b)	2-2
59.47	2-2
	2-65
59.51	2-102
59.53(5)	38-1
59.54(6)	42-3
59.54(8)	14-3
59.64	18-2
59.69	54-1
59.70	74-31
59.70(19), 59.70(20)	18-1
66.0103	1-1
66.0109	1-7
66.0113	1-8
66.0113(1)(b)	1-8
66.0113(3)	1-8

66.0113(3)(d)	1-8
66.0115	1-8
66.0119	18-1
	74-63
ch. 68	18-1
68.09(2)	18-1
74.03(7)	66-3
74.031(12)(c), (d)	66-3
74.47	66-2
ch. 75	18-4
75.521	66-1
ch. 83	32-1
83.01(c)	2-2
83.025	32-1
92.09	2-2
92.16	18-1
95.31(3)	6-2
95.36	6-2
101.123	2-3
101.65	10-1
101.651	10-1
103.70	42-14
103.72	42-14
118.15	42-14
118.153(1)(b)	42-14
118.16(1)(a)	42-14
118.16(4)	42-14
ch. 125	42-2
125.06(06)	46-8
125.07(1), 125.07(2)	1-8
125.07(3)(b)	1-8
125.07(4)(a), 125.07(4)(b)	1-8
125.085(3)(a)(1), 125.085(3)(a)(2)	1-8
125.085(3)(b)	1-8
125.09(2)	1-8
125.66(1)	1-8
125.68(2)	1-8
125.68(4)	1-8
146.70	14-41
146.70(3)	14-44
ch. 160	74-31
160.07	74-31
165.85(2)(c)	70-8
ch. 166	14-4
166.03	14-4
166.03(4)	2-2
167.10	42-2
167.10(2), 167.10(3)	1-8
173.03	6-2
ch. 174	6-1
174.001	6-3
174.054	6-2
174.07(3)(c)	6-1
174.11	6-3
250.01(5)	6-2
251.06(4)(a)	2-2
254.31(1)	54-3
254.31(10), 254.31(11)	54-3
254.76	1-8
	42-2
ch. 283	54-3
ch. 289	54-2

	54-42, 54-43
289.01(11)	54-3
289.01(35)	54-3
289.33	54-6
ch. 291	54-2
291.01(8)	54-3
291.05(1), (2), (5)	54-3
299.45(1)	54-3
302.372	38-1
302.38(2)	38-1
302.388	38-1
302.43	38-1
303.08(3)--303.08(5)	38-1
303.19(3)	38-1
chs. 340--348	1-8
	70-2
340.01(40)	42-14
340.01(74)	46-3
346.23, 346.24	70-7
346.37, 346.38	70-7
349.236	70-7
ch. 350	1-8
	70-41
453.02(7)	6-2
757.68(1)	2-2
765.15	2-132
778.25	1-8
800.093	1-8
814.705(1)(a)	38-2
814.705(2)	38-2
851.71	2-2
938.34(2)	42-14
938.34(5g)	42-14
938.34(7d)	42-14
938.342	42-14
938.342(1d)(c)	42-14
938.342(1g)(f), 938.342(1g)(k)	42-14
938.37	42-14
938.983	1-8
	42-2
939.05	42-2
939.22(22)	6-2
939.32	42-2
940.19	1-8
	42-2
941.10	1-8
	42-2
941.13	1-8
	14-82
	42-2
941.20	1-8
	42-2
941.23	1-8
	42-2
941.237	1-8
	42-2
941.24	1-8
	42-2
941.2965	1-8
	42-2
941.299	1-8

	42-2
941.315	1-8
	42-2
941.37	1-8
	42-2
ch. 943	2-102
943.01	1-8
	42-2
943.13	1-8
	42-2
943.14	1-8
	42-2
943.15	1-8
	42-2
943.20	1-8
	42-2
943.21	1-8
	42-2
943.24	1-8
	42-2
943.34	1-8
	42-2
943.37	1-8
	42-2
943.46	1-8
	42-2
943.47	1-8
	42-2
943.50	1-8
	42-2
943.55	1-8
	42-2
943.61	1-8
	42-2
943.70	1-8
	42-2
944.15	1-8
	42-2
944.17	1-8
	42-2
944.20	1-8
	42-2
945.02	1-8
	42-2
946.41	1-8
	42-2
946.70	1-8
	42-2
947.01	1-8
	42-2
947.012	1-8
	42-2
947.0125	1-8
	42-2
947.013(1)(a)(b)	1-8
	42-2
947.04	1-8
	42-2
947.06	1-8
	42-2
948.51	1-8

	42-2
ch. 951	1-8
	6-10
961.41	1-8
	42-2
961.573	1-8
	42-2
961.574	1-8
	42-2
961.575	1-8
	42-2
ch. 985	54-43
990.001	1-2
990.001(6)	1-6
990.001(11)	1-12
990.01	1-2
990.03	1-11
991.03	1-5
	1-11

CODE INDEX

ABANDONMENT

- Law enforcement
 - Abandoned or unclaimed property38-3
- Motor vehicles
 - Abandoned vehicles 70-6
 - See also: MOTOR VEHICLES AND TRAFFIC
- Wells, etc.
 - County responsibilities for well and drill hole abandonment 74-61

ACTIONS. See: SUITS, ACTIONS AND OTHER PROCEEDINGS

ADDRESSES

- Numbering of buildings 58-1
- See also: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ADMINISTRATOR. See: COUNTY ADMINISTRATOR

AGENCIES. See: DEPARTMENTS AND OTHER AGENCIES OF COUNTY

ALARMS AND ALARM SYSTEMS

- False alarms 14-81 et seq.
- See: EMERGENCY SERVICES

ALCOHOLIC BEVERAGES

- Motor vehicles on icebound inland lakes
 - Operation under the influence 70-8(e)
- Park regulations
 - Intoxicating liquor 46-8
- Use of county-owned property for private functions and events 2-3(d)

ALL-TERRAIN VEHICLES (ATV'S)

- Penalty for violation 70-72
- State all-terrain vehicle forfeiture laws adopted 70-71

ANIMALS

- Crimes against animals 6-10
- Disposal of carcasses 6-4
- Dogs
 - Dog licensing 6-1
 - Harboring or keeping barking dogs 6-6
 - Maximum amount allowed for claims for damages
 - by dogs to certain domestic animals 6-3
 - Rabies control. See herein that subject
 - Unlicensed dogs and dogs running at large 6-7
- Environment
 - Animal waste
 - Standards for animal waste storage 18-1
- Livestock on highways 6-5

Park regulations	
Animal control	46-2(e)
Horses	46-2(f)
Rabies control	
Definitions	6-2(a)
District quarantine	
Dogs confined	6-2(c)(1)
Exemption of vaccinated dog from district quarantine	6-2(c)(2)
Quarantine of dog or cat	
Delivery to isolation facility or quarantine on premises of owner	6-2(e)(1)
Health risk to humans	6-2(e)(2)
Risk to animal health	6-2(e)(3)
Quarantine or sacrifice of an animal suspected of biting a person or being infected or exposed to rabies	
Quarantine or sacrifice of dog or cat	6-2(d)(1)
Sacrifice of dog or cat	6-2(d)(3)
Sacrifice of other animals	6-2(d)(2)
Rabies vaccination required for dogs	
Copies of certificate	6-2(b)(3)
Cost	6-2(b)(7)
Duplicate tag	6-2(b)(6)
Issuance of certificate of rabies vaccination	6-2(b)(2)
Rabies vaccination tag	6-2(b)(4)
Requirement for vaccination	6-2(b)(1)
Tag to be attached	6-2(b)(5)
Shining wild animals	6-9
Violations and penalties	6-8

ASSEMBLIES

Assemblage of large numbers of people	
Application	42-6(d)
Conditions for issuing license	42-6(c)
Enforcement	42-6(g)
Issuance	42-6(e)
License required	42-6(b)
Purpose	42-6(a)
Revocation	42-6(f)

ATTORNEYS

Corporation counsel	2-62
-------------------------------	------

BLASTING AGENTS. See: EXPLOSIVES AND BLASTING AGENTS

BOARD OF SUPERVISORS

Adoption of state law provisions	2-1
Personnel and general administrative policies	2-32
Rules and procedures	2-31
Rules of construction and definitions	1-2

BOARDS, COMMITTEES AND COMMISSIONS. See: DEPARTMENTS AND OTHER AGENCIES

OF COUNTY

BOATS. See: WATERWAYS AND WATERCRAFT

BRUSH. See: WEEDS AND BRUSH

BUILDINGS AND BUILDING REGULATIONS

Numbering of buildings 58-1

See also: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Solid waste facilities and hazardous waste facilities

Operation requirements

Maintenance of buildings and equipment 54-74(n)

Uniform Dwelling Code 10-1

CALUMET, COUNTY OF. See: COUNTY

CAMPING

Park regulations 46-5

CATS. See: ANIMALS

CAVES

Park regulations 46-2(g)

CERTIFICATES AND CERTIFICATION

Rabies control

Rabies vaccination required for dogs

Copies of certificate 6-2(b)(3)

CHECKS

Assessing service fee on worthless checks 2-102

Public records

Legal custodians for public records; fees authorized to be imposed

Fees

Checks returned for nonsufficient funds 2-131(e)(14)

CHILDREN. See: MINORS

CIGARETTES. See: TOBACCO AND TOBACCO PRODUCTS

CITATIONS. See: WRITS, WARRANTS AND OTHER PROCESSES

CLERK

Clerk of courts

Public records

Legal custodians for public records; fees authorized to be imposed

Fees 2-131(e)(1)

County clerk

Public records

Legal custodians for public records; fees authorized to be imposed

Designation of county clerk; all offices 2-131(d)
Fees 2-131(e)(18)

CODE OF ORDINANCES*

Amendments to Code 1-10
Catchlines of sections; references to Code; history notes 1-6
Code does not affect prior offenses, rights, penalties 1-5
County uniform citation 1-8
 See also: WRITS, WARRANTS AND OTHER PROCESSES
Designation and citation of Code 1-1
Effect of repeal of ordinance, resolution, etc. 1-11
Fees and charges ratified 1-3
Legislation not affected by Code 1-4
Nonexclusivity
 Other ordinances 1-9(a)
 Other remedies 1-9(b)
Rules of construction and definitions 1-2
Severability of parts of Code 1-12
Violations and penalty
 Penalty for violation of Code 1-7

COMMITTEES AND COMMISSIONS. See: DEPARTMENTS AND OTHER AGENCIES OF COUNTY

CONTROLLED SUBSTANCES

Motor vehicles on icebound inland lakes
 Operation under the influence 70-8(e)

CORPORATION COUNSEL

Duties 2-62(b)
Exclusions 2-62(c)
Office created 2-62(a)
Public records
 Legal custodians for public records; fees authorized to be imposed
 Designation of legal custodian; all other offices 2-131(c)

COUNSEL. See: CORPORATION COUNSEL

COUNTY

Rules of construction and definitions 1-2

COUNTY ADMINISTRATOR

Office created 2-61

COUNTY BOARD. See: BOARD OF SUPERVISORS

COUNTY CLERK. See: CLERK

COUNTY SURVEYOR

Appointment 2-64(a)

County board committee 2-64(b)

COURTS

Public records

Legal custodians for public records; fees authorized to be imposed

Fees

Checks returned for nonsufficient funds 2-131(e)(14)

Court reporter 2-131(e)(2)

Register of probate 2-131(e)(7)

CURFEW

Penalty 42-5(b)

Prohibited acts 42-5(a)

DEPARTMENTS AND OTHER AGENCIES OF COUNTY

Appointments and terminations of county department heads; authority 2-2

Board of supervisors 2-1 et seq.

Emergency services

County emergency management committee 14-4(c)

Local emergency planning committee (LEPC) 14-3

Human services committee 34-1

Human services department 2-63

Senior resource center and committee 34-3

Sheriff's department 2-131(e)(8)

DISORDERLY CONDUCT

Offenses against public peace and good order 42-3(3)

Park regulations 46-2(c)

DISTRICTS

Rabies control

District quarantine 6-2(c)

DOCUMENTS. See: RECORDS AND REPORTS

DOGS. See: ANIMALS

DRUGS. See: CONTROLLED SUBSTANCES

ELDERLY PERSONS

Senior resource center and committee 34-3

ELECTRICITY

Solid waste facilities and hazardous waste facilities

Operation requirements

Telephone and electrical services required 54-74(u)

EMERGENCIES

Solid waste facilities and hazardous waste facilities

Operation requirements

Emergency equipment; repairs and reconstruction 54-74(i)

EMERGENCY SERVICES

- Declaration of emergencies 14-1
- E nine-one-one (911) system
 - Administration 14-43
 - Authority of provisions 14-41
 - Intentional Interference 14-45
 - Operation; user charges 14-44
 - Purpose 14-42
- Emergency rules 14-2
- False alarms
 - Cooperation of alarm user, owner, or lessee 14-85
 - Declaration of intent 14-81
 - Definitions 14-82
 - General requirements 14-83
 - Penalties for violation 14-84
- Local emergency planning committee (LEPC) 14-3
- Management
 - County emergency management committee
 - Duties 14-4(c)(2)
 - How constituted 14-4(c)(1)
 - County emergency management director
 - Duties
 - Countywide duties 14-4(f)(1)
 - Municipal duties 14-4(f)(2)
 - Office created 14-4(d)
 - Definitions 14-4(b)
 - Joint meetings 14-4(e)
 - Other emergencies
 - Joint action municipalities 14-4(h)(1)
 - Nonjoint action municipalities 14-4(h)(2)
 - Penalties 14-4(h)(3)
 - Policy and purpose 14-4(a)
 - Utilization of existing services and facilities
 - Joint action 14-4(g)(2)
 - Policy 14-4(g)(1)

EMPLOYEES. See: OFFICERS AND EMPLOYEES

ENCLOSURES. See: FENCES, WALLS, HEDGES AND ENCLOSURES

ENVIRONMENT

- Animal waste
 - Standards for animal waste storage
 - Activities subject to regulation 18-1(c)
 - Administrative duties 18-1(i)
 - Appeals 18-1(l)
 - Application for and issuance of permits 18-1(e)
 - Authority 18-1(a)

- Definitions 18-1(b)
- Enforcement authority 18-1(j)
- Permit conditions 18-1(h)
- Plan requirements 18-1(f)
- Review of application 18-1(g)
- Scope 18-1(m)
- Standards 18-1(d)
- Violations 18-1(k)
- Hazardous spills
 - Civil liability 18-3(g)
 - Enforcement 18-3(f)
 - Pecuniary responsibility 18-3(b)
 - Penalty 18-3(h)
 - Public protection 18-3(e)
 - Reimbursement 18-3(c)
 - Site access 18-3(d)
 - Substance release; containment, cleanup, and restoration 18-3(a)
- Hazardous waste inspection process 18-4
- Landspreading of petroleum contaminated soil brought into county from elsewhere 18-2

EXCAVATION AND GRADING

- Solid waste facilities and hazardous waste facilities
 - Operation requirements
 - Filling holes and ponds 54-74(o)
 - Removal of topsoil 54-74(p)

EXPLOSIVES AND BLASTING AGENTS

- Solid waste facilities and hazardous waste facilities
 - Operation requirements
 - Disposal of flammable or explosive material 54-74(l)

FENCES, WALLS, HEDGES AND ENCLOSURES

- Solid waste facilities and hazardous waste facilities
 - Operation requirements
 - Fences and gates 54-74(d)

FINANCES

- Checks
 - Assessing service fee on worthless checks 2-102
- Finance director
 - Position; duties 2-65
- Human services
 - General relief program 34-2
- Jail
 - Setting charges for incarcerated persons 38-1
 - See also: LAW ENFORCEMENT
- Ratified 2-101
- Sheriff fees in real estate sales 38-2
- Solid waste facilities and hazardous waste facilities
 - Financial requirements 54-75

Taxation. See that subject
Utility relocation costs 74-1

FINES, FORFEITURES AND OTHER PENALTIES

Code of Ordinances

County uniform citation
Outstanding unpaid forfeitures 1-8(g)
Penalty for violation of Code 1-7

Curfew

Penalty 42-5(b)

Emergency services

False alarms
Penalties for violation 14-84
Other emergencies
Penalties 14-4(h)(3)

Environment

Hazardous spills 18-3(h)
Landspreading of petroleum contaminated soil brought into county from elsewhere
18-2(b)

Motor vehicles. See herein: Traffic Regulations

Numbering of buildings

Violations and penalties 58-1(g)

Offenses generally

Offenses against state law subject to forfeiture 42-2
Penalty for violation 42-1

Solid waste

Violation and penalty 54-4

Taxation

Penalty on delinquent real estate taxes and special assessments 66-3
Penalty on real taxes, special assessments and personal property taxes 66-2

Traffic regulations

Abandoned vehicles
Forfeiture 70-6(f)
Access to county trunk highways
Violations and penalties 32
All-terrain vehicles (ATV's)
Penalty for violation 70-72
State all-terrain vehicle forfeiture laws adopted 70-71
Inline skates on county trunk highways
Penalty for violation 70-7(k)
Motor vehicles on icebound inland lakes
Penalty 70-8(g)
Snowmobiles
Penalty for violation 70-42
State snowmobile forfeiture laws adopted 70-41
State traffic forfeiture laws adopted 70-2
Violation and penalty generally 70-3

Truancy and school dropouts

Habitual truancy; disposition 42-4(c)
Suspension of vehicle operating privilege 42-4(d)

- Truancy generally; disposition 42-4(b)
- Utilities
 - Private water systems
 - Enforcement actions 74-66
- Watercraft
 - State watercraft vehicle forfeiture laws 78-1

FIRE PREVENTION AND PROTECTION

- Offenses against public peace and good order
 - Interference with fire alarm/fire extinguishing systems 42-3(4)
 - Interference with fire hydrants 42-3(5)
- Park regulations
 - Fire control 46-7
- Solid waste facilities and hazardous waste facilities
 - Operation requirements
 - Disposal of flammable or explosive material 54-74(1)
 - Open burning 54-74(x)

FIREARMS AND WEAPONS

- Offenses against public peace and good order
 - Carrying concealed weapons 42-3(1)
- Park regulations
 - Firearms and weapons control 46-2(d)

FLOODS

- Floodplain 51-1
- Ordinances saved from repeal 26-1

FORFEITURES. See: FINES, FORFEITURES AND OTHER PENALTIES

GARBAGE AND TRASH

- Solid waste 54-1 et seq.
- See: SOLID WASTE

GASOLINE AND PETROLEUM PRODUCTS

- Landspreading of petroleum contaminated soil brought into county from elsewhere 18-2

GENDER

- Rules of construction and definitions 1-2

GRADING. See: EXCAVATION AND GRADING

HAZARDOUS WASTE

- Hazardous spills 18-3
 - See also: ENVIRONMENT
- Hazardous waste inspection process 18-4
- Solid waste facilities and hazardous waste facilities 54-71 et seq.
- See: SOLID WASTE

HEALTH AND SANITATION

Animals

Disposal of carcasses 6-4

Rabies control 6-2

Ordinances saved from repeal 30-1

Public records

Legal custodians for public records; fees authorized to be imposed

Fees

Health 2-131(e)(3)

Solid waste 54-1 et seq.

See: SOLID WASTE

HEDGES. See: FENCES, WALLS, HEDGES AND ENCLOSURES

HIGHWAYS.

In General CD32:1

Access to County Trunk Highways CD32:3

Utility Policy CD32:8

Speed Limits CD32:8

Stop Signs/Traffic Signs CD32:12

HOMESTEAD. See: PROPERTY

HORSES

Park regulations 46-2(f)

HUMAN SERVICES

Department of human services director

Duties 2-63(b)

Office created 2-63(a)

Establishing human services committee and human services director

Composition of committee 34-1(c)

Creation of single department 34-1(b)

Findings 34-1(a)

General relief program 34-2

Public records

Legal custodians for public records; fees authorized to be imposed

Fees 2-131(e)(5)

Senior resource center and committee 34-3

ICE. See: SNOW AND ICE

IMPOUNDMENT

Abandoned vehicles

Removal and impoundment 70-6(b)

INSECTS

Solid waste facilities and hazardous waste facilities

Operation requirements

Rats, rodents, insects and weeds 54-74(h)

INSPECTIONS AND INSPECTORS

- Hazardous waste inspection process 18-4
- Solid waste facilities and hazardous waste facilities
 - Operation requirements
 - Inspections 54-74(s)

JAIL. See: PRISONS AND PRISONERS

JUVENILES. See: MINORS

LAKES. See: WATERWAYS AND WATERCRAFT

LANDSCAPING

- Solid waste facilities and hazardous waste facilities
 - Operation requirements
 - Landscaping and planting 54-74(q)

LAW ENFORCEMENT

- Abandoned or unclaimed property 38-3
- County uniform citation
 - Schedule of deposits
 - Law enforcement schedule 1-8(e)(2)
- Setting charges for incarcerated persons
 - Action for reimbursement 38-1(h)
 - Institutional accounts 38-1(d)
 - Maintenance and board for county jail prisoners
 - Authority 38-1(a)(1)
 - Cost of maintenance 38-1(a)(3)
 - Intent 38-1(a)(2)
 - No duplication of expenses 38-1(b)
 - Prepayment 38-1(e)
 - Prisoner cooperation 38-1(g)
 - Proceeds 38-1(i)
 - Reimbursement form 38-1(c)
 - Wages of a prisoner 38-1(f)
- Sheriff fees in real estate sales 38-2

LICENSES AND PERMITS

- Assemblage of large numbers of people 42-6
- Dog licensing 6-1
- Environment
 - Animal waste
 - Standards for animal waste storage
 - Application for and issuance of permits 18-1(e)
 - Permit conditions 18-1(h)
- Marriage licenses
 - Marriage License Provisions 2-132
- Solid waste permits 54-41 et seq.
 - See: SOLID WASTE
- Traffic regulations

- Access to county trunk highways
 - Permit required to construct or reconstruct driveway 32
 - Temporary permits 32

LIVESTOCK

- Livestock on highways 6-5

MAPS. See: SURVEYS, MAPS AND PLATS

MARRIAGE LICENSES

- Public records
 - Increasing the marriage license fee 2-132

MAY

- Rules of construction and definitions 1-2

MEASURES. See: WEIGHTS AND MEASURES

MINORS (Juveniles, children, etc.)

- Corporation counsel 2-62
- Curfew
 - Penalty 42-5(b)
 - Prohibited acts 42-5(a)
- Truancy and school dropouts
 - Definitions 42-4(a)
 - Enforcement of provisions 42-4(e)
 - Habitual truancy; disposition 42-4(c)
 - Suspension of vehicle operating privilege 42-4(d)
 - Truancy generally; disposition 42-4(b)
 - Underage persons 42-4(f)

MISSILES, ETC.

- Offenses against public peace and good order
 - Throwing or shooting of stones and other missiles 42-3(2)

MONTH

- Rules of construction and definitions 1-2

MOTOR VEHICLES AND TRAFFIC

- Abandoned vehicles
 - Disposal 70-6(c)
 - Forfeiture 70-6(f)
 - Notice of sale or disposition 70-6(e)
 - Owner responsible for impoundment and sale costs 70-6(d)
 - Removal and impoundment 70-6(b)
 - Vehicle abandonment prohibited 70-7(a)
- Access to county trunk highways
 - Applicability of provisions 32
 - Change of use 32
 - Compliance with provisions 32

Definitions	32
Existing points of access	32
Location, design and construction requirements	32
Permit required to construct or reconstruct driveway	32
Purpose and intent	32
Right of access for parcels existing prior to enactment	32
Spacing and frequency	32
Temporary permits	32
Utility Relocation Costs	32-1
Variances	32
Violations and penalties	32
Wetland ordinances controlling	32
All-terrain vehicles (ATV's)	
Penalty for violation	70-72
State all-terrain vehicle forfeiture laws adopted	70-71
Inline skates on county trunk highways	
Authority to restrict	70-7(a)
Definitions	70-7(b)
Exceptions to use	70-7(f)
Following traffic laws on right-of-way	70-7(j)
Obeying traffic signals	70-7(h)
Penalty for violation	70-7(k)
Right-of-way	70-7(d)
Single file proceeding	70-7(i)
State and local laws to apply	70-7(c)
Use on roadway	70-7(e)
Use while clinging to vehicle	70-7(g)
Motor vehicles on icebound inland lakes	
Definitions	70-8(b)
Hours of darkness	70-8(f)
Motor vehicle operation generally	70-8(c)
Operation under the influence	70-8(e)
Penalty	70-8(g)
Purpose	70-8(a)
Speed	70-8(d)
Overweight and oversized vehicles	70-5
Park regulations	
Motor vehicles and snowmobiles	46-3
Signals ratified	70-1
Snowmobiles	
Penalty for violation	70-42
State snowmobile forfeiture laws adopted	70-41
Speed limits	70-9
State traffic forfeiture laws adopted	70-2
Truancy and school dropouts	
Suspension of vehicle operating privilege	42-4(d)
Violation and penalty generally	70-3

MUST

Rules of construction and definitions	1-2
---	-----

NON-METALLIC MINING 18-5

NOISE

Dogs

Harboring or keeping barking dogs 6-6

NUISANCES

Solid waste facilities and hazardous waste facilities

Operation requirements

Creation of hazards and nuisances 54-74(j)

OFFENSES AND MISCELLANEOUS PROVISIONS

Assemblage of large numbers of people 42-6

See also: ASSEMBLIES

Curfew

Penalty 42-5(b)

Prohibited acts 42-5(a)

Offenses generally

Offenses against state law subject to forfeiture 42-2

Penalty for violation 42-1

Public peace and good order

Carrying concealed weapons 42-3(1)

Disorderly conduct 42-3(3)

Interference with fire alarm/fire extinguishing systems 42-3(4)

Interference with fire hydrants 42-3(5)

Throwing or shooting of stones and other missiles 42-3(2)

Truancy and school dropouts 42-4

See also: MINORS

OFFICERS AND EMPLOYEES

Board of supervisors

Personnel and general administrative policies 2-32

Corporation counsel 2-62, 2-131(c)

County administrator 2-61

County clerk 2-131(d), (e)(18)

County surveyor 2-64

Court reporter 2-131(e)(2)

Emergency services

County emergency management director 14-4(d), (f)

Finance director 2-65

Human services director 2-63, 34-1

Public records

Legal custodians for public records; fees authorized to be imposed

Designation of county clerk; all offices 2-131(c)

Designation of legal custodian; all other offices 2-131(c)

Designation of legal custodian; elected officials 2-131(b)

Rules of construction and definitions 1-2

ORDINANCES, RESOLUTIONS, ETC.

Code of Ordinances 1-1 et seq.
See: CODE OF ORDINANCES

OWNER

Rules of construction and definitions 1-2

PARKING

Park regulations 46-4

PARKS AND RECREATION

Animal control 46-2(e)
Camping 46-5
Caves 46-2(g)
County uniform citation
 Schedule of deposits
 Parks 1-8(e)(3)
Damage to park property 46-2(b)
Disorderly conduct 46-2(c)
Fire control 46-7
Firearms and weapons control 46-2(d)
Harbor and water regulations 46-6
Horses 46-2(f)
Intoxicating liquor 46-8
Introduction and application 46-1
Ledge View Park 46-2(i)
Motor vehicles and snowmobiles 46-3
Park areas and hours regulated 46-2(a)
Parking regulations 46-4
Tube hill 46-2(h)
Violation and penalty 46-9

PENALTIES. See: FINES, FORFEITURES AND OTHER PENALTIES

PERMITS. See: LICENSES AND PERMITS

PERSON

Rules of construction and definitions 1-2

PERSONAL PROPERTY. See: PROPERTY

PETROLEUM PRODUCTS. See: GASOLINE AND PETROLEUM PRODUCTS

PLATS, PLATTING. See: SURVEYS, MAPS AND PLATS

PRISONS AND PRISONERS

Setting charges for incarcerated persons 38-1
See also: LAW ENFORCEMENT

PROCEEDINGS. See: SUITS, ACTIONS AND OTHER PROCEEDINGS

PROCESSES. See: WRITS, WARRANTS AND OTHER PROCESSES

PROPERTY

- Law enforcement
 - Abandoned or unclaimed property 38-3
 - Sheriff fees in real estate sales 38-2
- Numbering of buildings
 - Property owner responsibility 58-1(f)
- Park regulations
 - Damage to park property 46-2(b)
- Public records
 - Legal custodians for public records; fees authorized to be imposed
 - Fees
 - Homestead 2-131(e)(4)
 - Register of deeds 2-131(e)(6)
 - Register of probate 2-131(e)(7)
- Rules of construction and definitions 1-2
- Taxation
 - Penalty on delinquent real estate taxes and special assessments 66-3
 - Penalty on real taxes, special assessments and personal property taxes 66-2
- Use of county-owned property for private functions and events
 - Alcohol 2-3(d)
 - Applicability 2-3(a)
 - Consent required 2-3(c)
 - County not obligated to provide support 2-3(g)
 - No endorsement implied 2-3(f)
 - Tobacco products 2-3(e)
 - Use of county-owned property 2-3(b)

PUBLIC PLACES. See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

PUBLIC RECORDS. See: RECORDS AND REPORTS

RABIES CONTROL

- Provisions enumerated 6-2
- See also: ANIMALS

RADIOACTIVITY

- Solid waste facilities and hazardous waste facilities
 - Operation requirements
 - PCBs, dioxins or radioactive material 54-74(t)

REAL ESTATE. See: PROPERTY

RECORDS AND REPORTS

- Public records
 - Legal custodians for public records; fees authorized to be imposed
 - Designation of county clerk; all offices 2-131(c)
 - Designation of legal custodian; all other offices 2-131(c)
 - Designation of legal custodian; elected officials 2-131(b)

Fees

- All other departments 2-131(e)(11)
- Checks returned for nonsufficient funds 2-131(e)(14)
- Clerk of courts 2-131(e)(1)
- County clerk 2-131(e)(18)
- Court reporter 2-131(e)(2)
- Fax documents 2-131(e)(13)
- Health 2-131(e)(3)
- Homestead 2-131(e)(4)
- Human services 2-131(e)(5)
- Information services 2-131(e)(10)
- Land information data fee schedule 2-131(e)(9)
- Photocopy fees 2-131(e)(12)
- Postage costs 2-131(e)(15)
- Prepayment of fees 2-131(e)(16)
- Register of deeds 2-131(e)(6)
- Register of probate 2-131(e)(7)
- Search fee 2-131(e)(17)
- Sheriff's department 2-131(e)(8)
- UPS surcharge fee 2-131(e)(19)
- Statement of policy 2-131(a)
- Marriage licenses
 - Increasing the marriage license fee 2-132
- Solid waste facilities and hazardous waste facilities
 - Report requirements 54-73
- Solid waste permits
 - Feasibility report 54-42(3)
 - Initial site report 54-42(2)

RECREATION. See: PARKS AND RECREATION

REPORTS. See: RECORDS AND REPORTS

RESOLUTIONS. See: ORDINANCES, RESOLUTIONS, ETC.

ROADS. See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

RODENT INFESTATION

- Solid waste facilities and hazardous waste facilities
 - Operation requirements
 - Rats, rodents, insects and weeds 54-74(h)

SANITATION. See: HEALTH AND SANITATION

SCHOOLS

- Truancy and school dropouts 42-4
- See also: MINORS

SENIOR CITIZENS. See: ELDERLY PERSONS

SEWERS. See: WATER AND SEWERS

SHALL

Rules of construction and definitions 1-2

SHERIFF'S DEPARTMENT

Public records

Legal custodians for public records; fees authorized to be imposed

Fees 2-131(e)(8)

SHORELAND-WETLAND

Ordinances saved repeal 50-1

Traffic regulations

Access to county trunk highways 32

SHRUBBERY. See: TREES AND SHRUBBERY

SIDEWALKS. See: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

SIGNS

Numbering of buildings 58-1

See also: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Solid waste facilities and hazardous waste facilities

Operation requirements

Prohibited signs; exception 54-74(w)

Required warning signs 54-74(v)

SNOW AND ICE

Motor vehicles on icebound inland lakes 70-8

Snowmobiles

Park regulations 46-3

Penalty for violation 70-42

State snowmobile forfeiture laws adopted 70-41

SOLID WASTE

Applicability 54-1(c)

Authority 54-1(a)

Conflict with state laws 54-5

Definitions 54-3

Exceptions to provisions 54-6

Interpretation 54-1(b)

Permits

Application requirements

Application specifications 54-42(5)

Closure plan 54-42(8)

Cover letter 54-42(1)

Feasibility report 54-42(3)

Initial site report 54-42(2)

Operation plan 54-42(6)

Other information 54-42(9)

Other plans	54-42(7)
Table of contents	54-42(4)
Application review process	
Approval and denial	54-43(4)
Conditions for approval	54-43(5)
Noncompliance	54-43(6)
Notice of hearing	54-43(1)
Public hearing	54-43(2)
Standards for evaluation and approval	54-43(3)
Required	54-41
Purpose and intent	54-2
Solid waste facilities and hazardous waste facilities	
Applicability of provisions	54-71
Financial requirements	54-75
Operation requirements	
Access roads	54-74(k)
Attendant	54-74(e)
Berms	54-74(r)
Covering solid waste	54-74(c)
Creation of hazards and nuisances	54-74(j)
Disposal of flammable or explosive material	54-74(l)
Disposal of hazardous waste	54-74(m)
Emergency equipment; repairs and reconstruction	54-74(i)
Fences and gates	54-74(d)
Filling holes and ponds	54-74(o)
Groundwater monitoring	54-74(g)
Inspections	54-74(s)
Landscaping and planting	54-74(q)
Maintenance of care	54-74(a)
Maintenance of buildings and equipment	54-74(n)
Open burning	54-74(x)
PCBs, dioxins or radioactive material	54-74(t)
Rats, rodents, insects and weeds	54-74(h)
Removal of topsoil	54-74(p)
Removal of waste near facility	54-74(b)
Responsible managers	54-74(f)
Signs	
Prohibited signs; exception	54-74(w)
Required warning signs	54-74(v)
Telephone and electrical services required	54-74(u)
Report requirements	54-73
Transportation requirements	54-72
Violation and penalty	54-4

SPECIAL EVENTS

Use of county-owned property for private functions and events	2-3
---	-----

STATE

Rules of construction and definitions	1-2
---	-----

STORAGE

Environment

Animal waste

Standards for animal waste storage 18-1

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Livestock on highways 6-5

Numbering of buildings

Assignment method 58-1(b)

Assignment responsibility; costs 58-1(e)

Location 58-1(c)

Property owner responsibility 58-1(f)

Required; use of baselines 58-1(a)

Size 58-1(d)

Townships assuming authority and responsibility 58-1(h)

Violations and penalties 58-1(g)

Solid waste facilities and hazardous waste facilities

Operation requirements

Access roads 54-74(k)

Traffic regulations 70-1 et seq.

See: MOTOR VEHICLES AND TRAFFIC

SUBDIVISIONS

Ordinances saved from repeal 62-1

SUBPOENAS. See: WRITS, WARRANTS AND OTHER PROCESSES

SUITS, ACTIONS AND OTHER PROCEEDINGS

Law enforcement

Setting charges for incarcerated persons

Action for reimbursement 38-1(h)

SURVEYS, MAPS AND PLATS

County surveyor

Appointment 2-64(a)

County board committee 2-64(b)

TAXATION

Liens

Enforcement of collection of tax liens 66-1

Penalty on delinquent real estate taxes and special assessments 66-3

Penalty on real taxes, special assessments and personal property taxes 66-2

TELECOMMUNICATIONS

E nine-one-one (911) system 14-41 et seq.

See: EMERGENCY SERVICES

Solid waste facilities and hazardous waste facilities

Operation requirements

Telephone and electrical services required 54-74(u)

TENANT	Rules of construction and definitions	1-2
TENSE	Rules of construction and definitions	1-2
TOBACCO AND TOBACCO PRODUCTS	Use of county-owned property for private functions and events	2-3(e)
TRAFFIC. See: MOTOR VEHICLES AND TRAFFIC		
TRANSPORTATION	Solid waste facilities and hazardous waste facilities Transportation requirements	54-72
TRASH	Solid waste See: SOLID WASTE	54-1 et seq.
TREES AND SHRUBBERY	Solid waste facilities and hazardous waste facilities Operation requirements Landscaping and planting	54-74(q)
TRUANCY	Truancy and school dropouts See also: MINORS	42-4
TUBE HILL	Park regulations	46-2(h)
UTILITIES	Private water systems Administrator directives and orders Correction order Field directive Formal directive Authority and adoption Definitions Enforcement actions Enforcement of state and local laws Jurisdiction Planning director Administrator Policy Violations Wells, etc. County responsibilities for well and drill hole abandonment Utility relocation costs	74-31 74-33 74-66 74-62 74-32 74-63 32-32 74-64 74-61 74-1

VANDALISM

Park regulations

Damage to park property 46-2(b)

VEHICLES. See: MOTOR VEHICLES AND TRAFFIC

WALLS. See: FENCES, WALLS, HEDGES AND ENCLOSURES

WARRANTS. See: WRITS, WARRANTS AND OTHER PROCESSES

WATER AND SEWERS

Private water systems 74-31 et seq.

See: UTILITIES

Solid waste facilities and hazardous waste facilities

Operation requirements

Filling holes and ponds 54-74(o)

Groundwater monitoring 54-74(g)

WATERWAYS AND WATERCRAFT

See: LAKE WINNEBAGO

Park regulations

Harbor and water regulations 46-6

State watercraft vehicle forfeiture laws 78-1

Violation and penalty 78-2

WEAPONS. See: FIREARMS AND WEAPONS

WEEDS AND BRUSH

Solid waste facilities and hazardous waste facilities

Operation requirements

Rats, rodents, insects and weeds 54-74(h)

WEIGHTS AND MEASURES

Motor vehicles

Overweight and oversized vehicles 70-5

WELLS, ETC.

County responsibilities for well and drill hole abandonment 74-61

WETLAND. See: SHORELAND-WETLAND

WIND 11-1

WIS. STATS.

Rules of construction and definitions 1-2

WISCONSIN, STATE OF. See: STATE

WRITS, WARRANTS AND OTHER PROCESSES

County uniform citation

- Effects of citation 1-8(c)
- Generally 1-8(b)
- Nonexclusivity 1-8(h)
- Outstanding unpaid forfeitures 1-8(g)
- Persons authorized to issue citations 1-8(d)
- Procedure 1-8(f)
- Purpose and authority 1-8(a)
- Schedule of deposits
 - Law enforcement schedule 1-8(e)(2)
 - Parks 1-8(e)(3)
 - Zoning schedule 1-8(e)(1)

YEAR

- Rules of construction and definitions 1-2

ZONING

- County uniform citation
 - Schedule of deposits
 - Zoning schedule 1-8(e)(1)
- Floodplain Ordinance 51-1
- Ordinances saved from repeal 82-1
- Wind Ordinance 11-1