

**CODE OF GENERAL
ORDINANCES
OF THE
TOWN OF BRAZEAU
OCONTO COUNTY
WISCONSIN**



*Adopted
November 21, 2017*

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**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF BRAZEAU
OCONTO COUNTY, WISCONSIN**

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**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF BRAZEAU
OCONTO COUNTY, WISCONSIN**

CHAPTER 1: GENERAL PROVISIONS

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CHAPTER 1: GENERAL PROVISIONS

1.0100 CONSTRUCTION AND EFFECT OF ORDINANCES

1.0200 AUTHORITY

This code of general ordinances is adopted under the authority granted by Section 66.0103 of the Wisconsin State Statutes.

1.0300 TITLE

This municipal code of general ordinances shall be known, cited, and referenced to as the *CODE OF GENERAL ORDINANCES OF THE TOWN OF BRAZEAU, OCONTO COUNTY, WISCONSIN*.

1.0400 AMENDMENTS

Any additions or amendments to this code are incorporated in this code so that a reference to the *Code of General Ordinances of the Town of Brazeau, Oconto County, Wisconsin* includes such additions and amendments.

1.0500 RULES OF CONSTRUCTION

In the construction of this code of general ordinances, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

1.0501 Wisconsin State Statutes

The term “Wis. Stats.” wherever used in this code shall mean the Wisconsin State Statutes.

1.0502 Gender, Singular, and Plural

Every word in this code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided that these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.

1.0503 Person

The word *person* extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.

1.0504 Acts or Agents

When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

1.0505 Numbering of Sections

Each section number of this code shall consist of two component parts separated by a period, the figure before the period referring to the chapter number and the figure after the period referring to the position of the section within the chapter.

1.0506 Number Additions

The decimal system shall be used for all additions or amendments to this code. When a chapter or section is to be added the new chapter or section shall be given a decimal character, when practical using the following outline:

- Chapter 1
 - 1.0100
 - 1.0101
 - A.
 - 1.
 - a.
 - (1)
 - (a)

1.0600 CONFLICT AND SEPARABILITY

1.0601 Conflict of Provisions

If the provisions of the different Chapters of this Code conflict with or contravene each other, the provisions of each Chapter shall prevail as to all matters and questions arising out of the subject matter of such Chapter.

1.0602 Separability of Code Provisions

If any Section, Subsection sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more Sections, Subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

1.0700 EFFECT ON GENERAL ORDINANCES

Any existing ordinance heretofore adopted by the Town Board which is not made part of this Code shall be unaffected by this Code of General Ordinances. Where there is a conflict between this Code and such existing ordinance, the more restrictive provisions shall apply.

1.0800 EFFECT OF REPEALS

The repeal or amendment of any Section or provision of this Code or of any other ordinance or resolution of the Board shall not:

- A. By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
- B. Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the

privilege of repealing such obligation or privilege has been reserved by the Town.

- C. Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended, except that when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgement to be pronounced after such ordinance takes effect for any offense committed before that time.
- D. Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall proceed, in all respects, as if such ordinance or ordinances had not been repealed, except that all such proceedings had after the time this Code shall take effect, shall be conducted according to the provisions of this Code.

1.0900 COPIES ON FILE

Copies of this Code of General Ordinances shall be maintained and available for inspection in the office of the Town Clerk-Treasurer.

1.1000 KEEPING CODE CURRENT; REVISER'S AMENDMENTS

As each ordinance or resolution affecting the Code of General Ordinances becomes effective, the Town Clerk-Treasurer shall incorporate them into the Code of General Ordinances. The Town Clerk-Treasurer shall make no substantive changes to such ordinances and resolutions but may renumber, rearrange and edit them without first submitting them to the Town Board; and such rearranging, renumbering and editing shall not affect the validity of such ordinances and resolutions or the provisions of this Code of General Ordinances affected thereby.

1.1100 CITATIONS

1.1101 Title and Purpose

The title of this section of the Code of General Ordinances is the Town of Brazeau Citation Ordinance. The purpose of this section is to authorize the Town Board of the Town of Brazeau, or its designees, to issue citations for violations of Town of Brazeau ordinances, including ordinances with statutory counterparts.

1.1102 Authority

The Town Board of the Town of Brazeau, Oconto County, Wisconsin, has the specific authority under s.66.0113, Wis. Stats., to adopt this ordinance.

1.1103 Coverage

- A. The form for citations to be issued in the Town of Brazeau by the Town Board, or its designees, for violations of Town of Brazeau ordinances shall be as provided in this subsection and shall include all of the following:
1. The name and address of the alleged violator.
 2. The factual allegations describing the alleged violation.
 3. The time and place of the alleged violation.
 4. The number of the ordinance violated.
 5. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
 6. The time at which the alleged violator may appear in court.
 7. A statement that in essence informs the alleged violator of all of the following:
 - (a) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified location.
 - (b) Whether he or she needs to appear in court.
 - (c) That if the alleged violator does not make a 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 in accordance with Wis. Stats., and the municipality will commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed in accordance with Wis. Stats.
- B. The Town Board adopts the following schedule of cash deposits that are required for the various Town of Brazeau ordinance violations, which includes for each listed violation the costs, fees, and surcharges imposed under Wis. Stats.: Municipal Court Bond Schedule.
- C. The Town Board names the following court, Clerk of Court, or other official to whom deposits are to be made; Chapter 2 subsection 2.1000-Municipal Court.
- D. If the action for a violation of a municipal ordinance is to be in municipal court, the citation used shall be in compliance with Wis. Stats. The service of the citations in municipal court shall conform with Wis. Stats. The citation for any violation to be heard in municipal court shall contain substantially all information; as set forth in s. 1.1103 A of this section and in accordance with Wis. Stats.

1.1104 Issuance and Service of Citation

- A. Town of Brazeau citations may be issued by the Town Board of the Town of Brazeau, or the Town Board of the Town of Brazeau may designate

certain Town of Brazeau, Oconto County, or other municipal officials, with their written approval, to issue such citations.

- B. Town of Brazeau citations, in addition, may specifically be issued by specific town or county officials as designated by the Town Board of the Town of Brazeau. This official may also designate a person to issue such Ordinances for the Town of Brazeau and this official may revoke this authority to issue anytime.
- C. The Town of Brazeau Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Brazeau upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Brazeau may also serve such citations.

1.1105 Relationship to Other Laws

The adoption and authorization for use of a citation under this section does not preclude the Town Board of the Town of Brazeau from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this section does 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 does not preclude the issuance of a citation under this section.

1.1200 RESERVED

1.1300 RESERVED

1.1400 RESERVED

1.1500 NON-EXCLUSIVITY

Adoption of this ordinance in no way precludes the adoption of any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this ordinance in no way precludes the processing under any other law or ordinance relating to the same or any other matter.

1.1600 SEVERABILITY

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

1.1700 EFFECTIVE DATE

This Code of Ordinances shall take effect from and after passage and publication as provided in Section 60.80, and Section 66.0103 Wis. State Stats. All references thereto shall be cited by Chapter and Section number (example: Chapter 1,

Section 1.0900, of the Code of General Ordinances of the Town of Brazeau, Oconto County, Wisconsin).

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF BRAZEAU
OCONTO COUNTY, WISCONSIN**

CHAPTER 2: TOWN GOVERNMENT

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CHAPTER 2: TOWN GOVERNMENT

2.0100 TOWN GOVERNMENT AND ELECTIONS

2.0101 Town Board

A. Authority and Powers

The Brazeau Town Board has the specific authority, powers and duties to manage and direct the affairs of the Town as set forth in Chapter 60 and other provisions of the Wisconsin Statutes, including powers conferred on village boards by ch. 61, Wis. Stats. the exercise of which does not conflict with the duties and powers of town boards set forth elsewhere in the Wisconsin Statutes, granted by annual Town Meeting. The Town Board shall have charge of all of the affairs of the Town not otherwise delegated by law to the annual Town Meeting or other Town officers.

B. Membership Compensation

The Town Board shall be composed of five (5) members, four Supervisors and a Chairman. The Chairman shall be elected in the odd-numbered year. Two supervisors are elected at each spring election for a two year term, creating staggered terms. The Chairperson and the Supervisors shall receive such compensation as established at a Town Meeting.

C. Vacancies

Vacancies in elective offices shall be filled by appointment by a majority vote of the Town Board for the remainder of the unexpired term.

D. Meetings

The Town Board shall meet each month in the Town Hall or such other place or place as the Board shall designate and notice pursuant to the Wisconsin Open Meetings law. Any regular meeting of the Town Board falling upon a legal holiday shall be held on the day designated by the Town Board. Special meetings may be called by the Chairman or any Supervisor by requesting the Town Clerk-Treasurer to call such meeting, stating the time and place for the meeting, by notifying each Supervisor and the public in accordance with s. 19.84, Wis. Stats. Notice of all Town Board meetings shall be given in compliance with the Wisconsin Open Meeting Law, by posting written notice of the time, place and purpose thereof in two (2) physical locations in the Town and the official Town website, and by written or oral notice to the media which has requested such notice at least 24 hours prior to the meeting, unless in an emergency, when proper notice shall be posted and given to the media at least two (2) hours prior to the meeting. No business shall be transacted at a special meeting except for the purpose which was stated in the notice thereof.

E. Quorum

Three (3) members of the Town Board shall constitute a quorum and the only business to be undertaken in the absence of a quorum shall be to adjourn from time to time or to compel the attendance of absent members.

F. Conduct of Meetings

The Order of Business at meetings shall be substantially as follows:

1. Call to order
2. Roll call and declaration of a quorum. If a quorum is not present, the meeting shall be adjourned
3. Certificates and announcement of compliance with Wisconsin Open Meeting Law posting and Town Municipal Code notice and publication procedures
4. Approval of agenda
5. Reading, correction, and approval of minutes of previous meetings.
6. Reports
 - (a) Clerk-Treasurer's Report
 - (b) Town Committee and Commission Reports
 - (c) Town Staff Report
 - (d) Emergency Department Reports
 - (e) Town Officials Report
7. Public comments
8. Communications
9. Old business
10. New business
11. Resolutions and Ordinances
12. Schedule Next Meeting
13. Adjournment

G. Notice

1. Agendas

The Town Clerk-Treasurer or person designated by the Town Chairman shall prepare a written agenda for each Town Board or committee meeting and distribute and post or publish the same as provided by the Wisconsin Open Meeting Law, ch. 19, Wis. Stats., and the Code of General Ordinances for the Town of Brazeau, Oconto County, Wisconsin.

2. Ordinances and Resolutions

All ordinances, resolutions or bylaws shall be reduced to writing before final action by the Board. Unless requested by a Supervisor or Chairperson before final vote is taken, no ordinance, resolution, bylaw or communication need be read in full.

H. Rules of Order

The meetings of the Board shall be conducted in accordance with the parliamentary rules contained in *Robert's Rules of Order Newly Revised*, or the most recent version thereof, except as otherwise specifically provided in these ordinances or by written bylaw adopted by the Board.

I. Suspension of Rules

These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of the majority of the members present.

2.0200 TOWN MEETINGS AND TOWN BOARD MEETINGS

2.0201 Town Meetings

A. Annual Town Meeting

The annual Town Meeting shall be held on the 3rd Tuesday in April unless a later date is set by the previous Annual Town Meeting, but not later than 10 days after the 3rd Tuesday in April. The Town Board may change the location of the annual Meeting. If the place of the Meeting is changed, the Town Clerk-Treasurer shall publish or post a class 2 notice under Ch. 985, Wis. Stats., of the time, date and location of the Meeting and shall make and file an affidavit of posting of such notice, if any. The annual Town Meeting has the powers set forth in s. 60. 10, Wis. Stats., or post in 3 public places all resolutions, motions or other actions adopted by the Town Meeting as required by s. 60.80, Wis. Stats.

B. Special Town Meetings

A special Town Meeting may be called by the Town Board or by written request of electors equal to at least 10% of the votes cast in the Town at the last election for governor. The call shall state the time, date and purpose of the special Town Meeting. The Town Clerk-Treasurer shall publish or post a class 2 notice stating the time date and purpose of the special Meeting not more than 20 days or less than 15 days prior thereto. Special Town Meetings must be held at the place where the preceding Town Meeting was held unless changed by the Town Board. Any business which may be transacted at the annual Town Meeting may be transacted at a special Town Meeting provided it is specified in the call and notice.

C. Presiding Officer

The Town Board Chairperson is the presiding officer of the Town Board and Town meetings s. 60. 13, Wis. Stat. If the Town Chairperson is absent; the senior Supervisor shall preside.

2.0300 GENERAL REGULATIONS GOVERNING ALL TOWN OFFICERS

2.0301 Effect

The provisions of this section shall apply to all officers of the Town, regardless of the time of creation of the office or method of selection of the officer unless otherwise specifically provided by ordinance or resolution of the Town Board.

A. Official Oath of Office

1. The Town Clerk-Treasurer shall either personally had deliver the certificates of election directly to the candidates, or send them via certified mail, so that the Town Clerk-Treasurer can verify and have documentation of the date of receipt. The date of receipt is important because every elected or appointed officer of the Town, including members of Town boards and commissions, shall take the oath of office under s. 19.01, Wis. Stats., and file said oath in the office of the Town Clerk-Treasurer or notary, within five (5) days after notification of election of appointment, s. 60.31(1) s. 19.01, Wis. Stats.
2. The Town Clerk-Treasurer shall file his/her oath with a notary public prior to executing any official oaths.
3. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.

B. Bond

Every officer shall, if required by law or the Town Board, upon entering upon the duties of his office, give a bond in such amount as may be determined by the Town Board with such sureties as are approved by the Town Chairman, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed as oaths as provided in sub. (A) of this section.

C. Salaries

All appointed officers of the Town shall receive such salaries as may be provided from time-to-time by the Town Board. No officer receiving a salary from the Town shall be entitled to retain any portion of any fees collected by him or her for the performance of his duties as such officer in the absence of a specific law or ordinance to that effect. Payment of regular wages and salaries established by the Town Board shall be by voucher as provided by statute.

D. Vacancies

Vacancies in appointive offices shall be filled in the same manner as the original appointment for the remainder of the unexpired term unless the term for such office is indefinite.

2.0400 TOWN OFFICERS AND EMPLOYEES

2.0401 Town Clerk - Treasurer

The office of the Town Clerk-Treasurer is an elected position per s. 60.30(1) and 60.305(1) Wis. Stats, and serves a two (2) year term.

In general perform all other duties required by law, § 60.33 and 60.34, Wis. Stats., ordinance or lawful direction of the town meeting or Town Board.

The salary of the Town Clerk-Treasurer shall be set by the Town Board and may not be reduced during the term of office.

2.0402 Reserved

2.0403 Deputy Town Clerk - Treasurer

Each Town Clerk-Treasurer may appoint one or more deputies for whom the town Clerk-Treasurer is responsible. A deputy shall take and file the official oath and bond under s. 60.31 Wis. Stats. The Town Clerk-Treasurer may designate a deputy to perform the Clerk-Treasurer's duties during the absence, sickness or other disability of the Town Clerk-Treasurer.

2.0404 Reserved

2.0405 Reserved

2.0406 Election Officials

The Town allows for the selection of two (2) sets of election officials to work at different times on an election day as follows:

There shall be allowed two (2) shifts for election workers on election days. The first shift shall commence at 6:30 a.m. and end at 12:30 p.m. The second shift shall commence at 12:30 p.m. with completion of all required election day duties that follow the closure of the polls.

2.0500 GENERAL

The Town Board may employ on a temporary or permanent basis persons necessary to carry out the functions of town government including, subject to s. 60.37 (4), Wis. Stats. any elected officer of the town. The board may establish the qualifications and terms of employment, which may include the residency of the employee. The board may delegate the authority to hire town employees to any town official or employee.

2.0600 LEGAL ASSISTANCE

The Town Board may designate, retain or employ one or more attorneys on a temporary or continuing basis to counsel the town on legal matters or represent the town in legal proceedings.

2.0700 ASSESSOR

The Town Board may employ the assistance of a qualified Assessor to aid in making town assessments from persons certified by the Wisconsin Department of Revenue under s. 73.09, Wis. Stats. The Assessor shall have the rights, obligations and duties as specified in Chapter 70, Wis. State Stats.

2.0800 PLAN COMMISSION

2.0801 Authority; Establishment

The Town Board of the Town of Brazeau has been authorized by the Town meeting under s. 60.11(2)(c), Wis. Stats., to exercise village powers and the Town has a population of less than 2,500, according to the most recent regular or special federal census, s. 990.01(29), Wis. Stats. The Town Board hereby exercises village powers under s. 60.22(3), Wis. Stats., and establishes a five (5) member Plan Commission under § 60.62(4), 61.35, and 62.23, Wis. Stats. The Plan Commission shall be considered the “Town Planning Agency” under § 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

A. Membership

The Plan Commission consists of one (1) member of the Town Board, who may be the Town Board Chairperson, and four (4) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.

B. Appointments

The Town Board Chairperson shall appoint members of the Plan Commission, subject to confirmation by the Town Board, during the month of April, to fill any expiring term. The Town Board Chairperson shall also select the Chairperson of the Plan Commission. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within (5) days of notice of appointment, as provided under § 19.01 and 60.31, Wis. Stats.

C. Terms of Office

The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of 3 years, ending on April 30, or

until a successor is appointed and qualified except:

1. **Initial Terms. (5-members)** The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.
2. **Town Board Member or Chairperson.** the Plan Commission Chairperson or member who is a Town Board Chairperson or Town Board member shall serve on the Commission for a period of two (2) years, as allowed under s. 66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board. An initial appointment of such Town Board Chairperson or Town Board member made after April 30 shall be for a term that expires two (2) years from the previous April 30.

D. Vacancies

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term. A member of the Plan Commission may be removed only by a majority vote of the Town Board.

E. Compensation; Expenses

The Town Board of the Town of Brazeau will set a per diem allowance per meeting for citizen and Town Board members of the Plan Commission, as allowed under s. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under s. 66.0321, Wis. Stats.

F. Experts and Staff

The Plan Commission may, under s. 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

G. Rules; Records

The Plan Commission, under s. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under § 19.21-19.39, Wis. Stats.

H. Chairperson and Officers

1. **Chairperson.** The Plan Commission Chairperson shall be appointed and serve a term as provided in sections 5 and 6 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:
 - (a) provide leadership to the Commission
 - (b) set Commission meeting and hearing dates;
 - (c) provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
 - (d) preside at Commission meetings and hearings; and
 - (e) ensure that the laws are followed.

2. Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under s. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.
3. Secretary. The Plan Commission shall elect, by open vote or secret ballot under s. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk-Treasurer or other Town officer or employee as Secretary.

I. Commission Members as Local Public Officials

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, s. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, § 19.21-19.39; Code of Ethics for Local Government Officials, § 19.42, 19.58 & 19.59; Open Meetings, § 19.81-19.89; Misconduct in Office, s. 946.12; and Private Interests in Public Contracts, s. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

J. General & Miscellaneous Powers

The Plan Commission, under s. 62.23(4), Wis. Stats., shall have the power:

1. Necessary to enable it to perform its functions and promote Town planning.
2. To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
3. To recommend to the Town Board programs for public improvements and the financing of such improvements.
4. To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
5. For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and survey, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under s. 66.0119, Wis. Stats., or other court-issued warrant.

K. Town Comprehensive Planning: General Authority & Requirements

1. The Plan Commission shall make and adopt a comprehensive plan under s. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in s. 66.1001(2), Wis. Stats., and follows the procedures in s. 66.1001(4), Wis. Stats.

2. In this section the requirement to “make” the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

L. Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Comprehensive Plan Amendment

The Plan Commission, in order to ensure that the requirements of s. 66.1001(4), Wis. Stats, are met, shall proceed as follows.

1. Public participation verification

Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.

2. Resolution

The Plan Commission, under s. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan.

3. Transmittal

One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to all of the following:

- (a) Every governmental body that is located in whole or in part within the boundaries of the Town.
- (b) The clerk of every city, village, town, county, and regional planning commission that is adjacent to the Town.
- (c) After September 1, 2005, the Department of Administration.
- (d) The regional planning commission in which the Town is located.
- (e) The public library that serves the area in which the Town is located.

M. Plan Implementation and Administration

1. Ordinance Development

If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:

- (a) Zoning. A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction side erosion control and stormwater management zoning ordinance under s. 60.627(6), Wis. Stats., a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.
- (b) Official map. A proposed official map ordinance under s. 62.23(6), Wis. Stats.
- (c) Subdivisions. A proposed Town subdivision or other land division ordinance under s. 236.45, Wis. Stats.
- (d) Other. Any other ordinance specified by the Town Board (Note: e.g., historic preservation, design review, site plan review).

2. Ordinance Amendment.

The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

3. Non-regulatory programs.

The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.

4. Program Administration.

The Plan Commission shall, pursuant to Town ordinances, have the following powers.

- (a) Subdivision review. Proposed plats under ch. 236, Wis. Stats. shall be referred to the Plan Commission for review and determination.

5. Consistency.

When the Plan Commission considers any action that is subject to the consistency requirement in sec. 66.1001(3), Wis. Stats., the action of the Plan Commission shall, as of January 1, 2010, be consistent with

the Comprehensive Plan. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

N. Referrals to the Plan Commission

1. Required referrals under s. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report to the Town Board:
 - (a) The location and architectural design of any public building.
 - (b) The location of any statue or other memorial.
 - (c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
 - (1) street, alley or other public way;
 - (2) park or playground;
 - (3) airport;
 - (4) area for parking vehicles; or
 - (5) other memorial or public grounds
 - (d) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
 - (e) All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under s. 236.45, Wis. Stats.
 - (f) The location, character and extent or acquisition, leasing or sale of lands for:
 - (1) public or semi-public housing;
 - (2) slum clearance;
 - (3) relief of congestion; or
 - (4) vacation camps for children
 - (g) The amendment or repeal of any ordinance adopted under s. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan; the Town comprehensive plan under s. 66.1001, Wis. Stats.; an official map under s. 62.23(6), Wis. Stats; and, Town zoning under village powers.
2. Required referrals under sections of the Wisconsin Statutes other than s. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report to the Town Board:
 - (a) An application for initial licensure of a child welfare agency or group home under s. 48.68(3), Wis. Stats.

- (b) An application for initial licensure of a community-based residential facility under s. 50.03(4), Wis. Stats.
 - (c) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under s. 66.0905, Wis. Stats.
 - (d) Matters relating to the establishment or termination of an architectural conservancy district under s. 66.1007, Wis. Stats.
 - (e) Matters relating to the establishment of a reinvestment neighborhood required to be referred under s. 66.1107, Wis. Stats.
 - (f) Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats.
 - (g) A proposed housing project under s. 66.1211(3), Wis. Stats.
 - (h) Matters relating to urban redevelopment and renewal in the Town required to be referred under subch. XIII of ch. 66, Wis. Stats.
 - (i) The adoption or amendment of a Town subdivision or other land division ordinance under s. 236.45(4), Wis. Stats.
 - (j) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
3. Required referrals under this ordinance. In addition to referrals required by the Wisconsin statutes, the following matters shall be referred to the Plan Commission for report:
- (a) Any proposal, under s. 59.69, Wis. Stats., for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.
 - (b) Proposed regulations or amendments relating to historic preservation under s. 60.64, Wis. Stats.
 - (c) A proposed driveway access ordinance or amendment.
 - (d) A proposed Town official map ordinance under s. 62.23(6), Wis. Stats., or any other proposed Town ordinance under s. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.
 - (e) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to s. 62.23, Wis. Stats., including a Town construction site erosion control or stormwater management zoning ordinance under s. 60.627(6), Wis. Stats., and a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats.,

- (f) An application for a conditional use permit under the Town zoning ordinance.
- (g) A proposed site plan.
- (h) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under s. 62.23(7a), Wis. Stats.
- (i) A proposed boundary change pursuant to an approved cooperative plan agreement under s. 66.0307, Wis. Stats., or a proposed boundary agreement under s. 66.0225, Wis. Stats., or other authority.
- (j) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under s. 66.0307(7m), Wis. Stats.
- (k) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.
- (l) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under s. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
- (m) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under s. 66.0435, Wis. Stats.
- (n) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under s. 66.1009, Wis. Stats.
- (o) A proposed town airport zoning ordinance under s. 114.136(2), Wis. Stats.
- (p) A proposal to create environmental remediation tax incremental financing in the town under s. 66.1106, Wis. Stats.
- (q) A proposed county agricultural preservation plan or amendment, under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
- (r) Other (specify)
- (s) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.

4. Discretionary referrals. The Town Board, or other town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:
 - (a) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment of such plan.
 - (b) A proposed county zoning ordinance or amendment.
 - (c) A proposed county subdivision or other land division ordinance under s. 236.45, Wis. Stats., or amendment.
 - (d) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
 - (e) A proposed intergovernmental cooperation agreement, under s. 66.0301, Wis. State., or other statute, affecting land use, or a municipal revenue sharing agreement under s. 66.0305, Wis. Stats.
 - (f) A proposed plat or other land division under the county subdivision or other land division ordinance under s. 236.45, Wis. Stats.
 - (g) A proposed county plan, under s. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
 - (h) Any matter deemed advisable for referral to the Plan Commission for report.

5. Referral period

No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

2.0900 BOARD OF REVIEW

2.0901 Composition

The Board of Review shall consist of the Town Chairperson, Town Supervisors, and Town Clerk-Treasurer. (a quasi-judicial body)

2.0902 Duties

The duties and functions of the Board of Review shall be as prescribed in s. 70.47, Wis. Stats.

2.0903 Hearing Procedures

A. Procedure.

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

After the two requirements have been met, a request to testify by Submit a Sworn Written Statement or Telephone at Board of Review (Form PA-814) may be submitted to the Town Clerk-Treasurer. Such requests must be submitted in time to be considered by the board at the first meeting of the Board of Review.

B. Criteria to be Considered.

The Board of Review may consider any or all of the following factors when deciding whether to grant or deny the request.

1. The requester's stated reason(s) for the request as indicated on the PA-814.
2. Fairness to the parties.
3. Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requestor in procuring such testimony.
4. Ability to cross examine the person providing the testimony.
5. The Board of Review's technical capacity to honor the request.
6. Any other factors that the Board of Review deems pertinent to deciding the request.

C. Conducting the Board of Review.

1. Board of Review Chairperson is responsible for maintaining order during Board of Review sessions.
2. Each Board of Review session is introduced by the Clerk-Treasurer and recorded.

3. All testimony of witnesses, including the assessor, under oath.
4. Taxpayer, or designee and assessor each permitted sufficient time to testify, Board of Review cross examine and then chairperson announces closing the testimony.
5. Taxpayer evidence must conform to the statutory criteria and Wis. Property Assessment Manual under s. 70.85, Wis. Stats.
6. Board of Review conducts Findings of Fact & Determination. Exercising judgment and discretion, pursuant to s. 70.47(9)(a), Wis. Stats. The Board of Review decision by majority and roll call vote. Notice of Board of Review determination PR-302 provided to taxpayer.
7. Upon determination of the Board of Review, the Town Clerk-Treasurer should prepare a summary of Board of Review Proceedings, PA-800, sign the Clerk-Treasurer's affidavit on the bottom of form, and file with other Board of Review documents for the year. The Clerk-Treasurer should also keep minutes of the proceedings per s. 70.47(5), Wis. Stats and retain for seven (7) years per s. 70.47(8)(f), Wis. Stats.

2.1000 JOINT MUNICIPAL COURT

2.1001 Municipal Court Created

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Joint Municipal Court to be designated "Joint Municipal Court for the Town of Beaver, Town of Brazeau, Town of Pound, and the Village of Coleman" said court to become operative and function on September 27th, 2017.

2.1002 Municipal Judge

- A. **Qualifications:** The Joint Court shall be under the jurisdiction of and presided over by a Municipal Judge, who resides in one of the municipalities that is a party to the agreement forming this joint court.
- B. **Oath and Bond:** The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of twelve thousand dollars (\$12,000.00). The Judge shall not act until the oath and bond have been filed as required by §19.01(4)(c) Wis. Stats., and the requirements of §755.03(2) Wis. Stats., have been complied with.
- C. **Salary:** The salary of the Municipal Judge shall be fixed by the Town Boards and Village Board of the municipalities that are parties to the agreement which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c) Wis. Stats. The municipalities may by separate ordinance allocate funds for the administration of the Municipal Court pursuant to §66.0301 Wis. Stats. The salary of the Municipal Judge shall not be diminished during the term of office and if any additional municipalities join the court during a term of office the salary of the Municipal Judge shall be increased so that the Municipal Judge receives the same compensation from the new municipality as it receives from each of the previously existing municipalities.

2.1003 Elections

- A. **Term:** The Municipal Judge shall be elected at large in the spring election in odd numbered years commencing in April of 2021, for a term of four years, commencing on May 1 succeeding the election. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10, Wis. Stats., and selection at a primary election if such is held as provided in §8.11, Wis. Stats. The State elections board shall serve as filing officer for the candidates.
- B. **Electors:** Electors in all municipalities that are parties to the agreement shall vote for judge.

2.1004 Jurisdiction

The Municipal Court shall have jurisdiction over incidents occurring on or after September 27th, 2017 as provided in Article VII, §14 of the Wisconsin Constitution, §§755.045 and 755.05, Wis. Stats., and as other provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under §755.045(2), §66.0119, Wis. Stats.

The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of §938.17(2)(cm), Wis. Stats.

2.1005 Municipal Court

- A. Hours: The Municipal court shall be open at such location and at such times as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.
- B. Employees: The Judge shall, in writing, appoint such clerks and deputy clerks as authorized and funded by the Town Boards and Village Board of the municipalities that are parties to the agreement.

2.1006 Collection of Forfeitures and Costs

The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938 Wis. Stats., and as provided in the ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the Municipality within which the case arose within 30 days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court shall report to the treasurer the title of the action, the nature of the offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

2.1007 Contempt of Court

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under §800.12 Wis. Stats. and may impose a forfeiture therefore not to exceed that listed in the current state statute (currently \$200) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed that listed in the current state statute (currently 7 days).

2.1008 Abolition

The Municipal court hereby established shall not be abolished with the §755.01(4) agreement in effect.

Adopted by the Town Board of the Town of Brazeau, Oconto County, Wisconsin, this 19th day of September, 2017.

ATTEST:



Ryan Wendt, Town of Brazeau Chairman



Jean Grosse, Town of Brazeau Clerk-Treasurer

DATE OF PUBLICATION/POSTING: September 20th, 2017

2.1100 ALTERNATIVE CLAIMS PROCEDURE

2.1101 Purpose

The purpose of this ordinance is to authorize an alternative procedure for approving financial claims against the town that are in the nature of bills and vouchers.

2.1102 Applicability

Payments of claims against the town may be made from the town treasury under the procedure established in Section 2.1103 of this Ordinance for bills or vouchers that are of a routine nature, namely: payroll, utility bills, credit card billings.

2.1103 Procedure

- A. Subject to the restrictions under Section 2.1102, the payment of a claim against the town may be made from the town treasury if the Town Clerk-Treasurer approves in writing the claim as a proper charge against the town treasury. A claim against the town is a property charge against the town treasury if the Town Clerk-Treasurer determines that all of the following conditions have been met:
 - 1. Funds are available under the town budget to pay the bill or voucher.
 - 2. The item or service covered by the bill or voucher has been authorized by the town board or an authorized town official, agent, or employee.
 - 3. The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
 - 4. The claim appears to be a valid claim against the town.
- B. The Town Clerk-Treasurer may require submission of proof to determine compliance with the conditions under 2.1103 (A) prior to approval.
- C. After determining that the conditions under subsection A have been met, the Town Clerk-Treasurer shall indicate approval of the claim by placing his or

her signature on the bill or voucher. Upon approval of a bill or voucher under this procedure, the Town Clerk-Treasurer shall prepare and sign a check and have it countersigned by the Town Chairperson, pursuant to s. 66.0607, Wis. Stats. The Town Clerk-Treasurer shall then mail or deliver the completed checks to the appropriate parties.

- D. At least monthly, the Town Clerk-Treasurer shall file with the Town Board a written list of claims approved pursuant to this ordinance. The list shall include the date paid, name of the claimant, purpose, and the amount.

2.1104 Severability

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

2.1200 RESERVED

2.1300 RESERVED

2.1400 RESERVED

2.1500 RESERVED

2.1600 EFFECTIVE DATE

Following passage by the Town Board, the *Code of General Ordinances of the Town of Brazeau, Oconto County, Wisconsin* shall take effect the day after the date of publication or posting as provided by s. 60.80, Wis. Stats.

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF BRAZEAU
OCONTO COUNTY, WISCONSIN**

CHAPTER 3: PUBLIC SAFETY

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CHAPTER 3: PUBLIC SAFETY

3.0100 ASSIGNMENT OF TOWN ROAD NAMES

3.0101 Road Names

- A. In accordance with s. 82.03(7), Wis. Stats., the Town shall assign a name to each road under the Town of Brazeau’s jurisdiction. No road name may be used on more than one road within the jurisdiction of the Town of Brazeau.
- B. A detailed listing of town road names, locations and road length will be maintained in the office of the Town Clerk-Treasurer.

3.0102 Severability

If any part of this ordinance is determined by a court to be invalid, the remainder is intended to be valid and continue in full force and effect.

3.0200 SPEED LIMITS REGULATED

3.0201 Authority

The Town Board of the Town of Brazeau, Oconto County, Wisconsin, has the specific authority under s. 349.11, Wis. Stats., to adopt this ordinance.

3.0202 State Speed Limits Adopted

The provisions of ss. 346.57, 346.58, and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are hereby adopted as part of this section as if fully set forth herein, except as specified by section 3.0203 of this Ordinance pursuant to s. 349.11(3)(c), Wis. Stats., where the Town Board of the Town of Brazeau has determined that the statutory speed limits are unreasonable, unsafe, and imprudent and has modified such limits.

3.0203 Speed Limits Modified

The speed limits are modified as hereinafter set forth in this subsection upon the following named road(s), or portions thereof, between the limits designated.

A. Old 64 Road.

Reduce speed limit by 10 miles per hour around three (3) curves; 290 feet west of West Shay Lake Road to a point 1,215 feet east of Butler Rock Road and 2,265 feet north of Highway 64 to a point northwesterly of 5,465 feet.

B. North White Potato Lake Road.

25 miles per hour starting approximately 135 feet from Parkway Road stop sign, west for 1940 feet, then 45 miles per hour for 2,416 feet west, then 25 miles per hour for 1,866 feet.

C. 25 Miles Per Hour Limit.

The maximum permissible speed shall be 25 miles per hour on the following road(s), or portions thereof, between the limits designated.

1. **South White Potato Lake Road** from Parkway Road until Parkway turns south, approximately 1.42 miles.
2. **North Kelly Lake Road** from County G to the Spruce townline, approximately 1.19 miles.
3. **Peacock Lane**, approximately .09 miles.
4. **Birchwood Lane**, approximately .36 miles.
5. **Beech Tree Court**, approximately .06 miles.
6. **Green Meadow Lane**, approximately .31 miles.
7. **East Rost Lake Road**, approximately 1.73 miles from Green Meadow Lane to West Rost Lake Road.
8. **Meyers Road**, approximately .27 miles.
9. **Walkers Bay Road**, from Meyer Road to Lagoon Lane, approximately .20 miles.

3.0204 Penalties

The statutory provisions in Ch. 340 to 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic for which the penalty is forfeiture only, including penalties to be imposed and the procedures for prosecution are hereby adopted and by reference of State Traffic Deposit Schedule.

3.0205 Severability

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

3.0300 REGULATE STOPPING, STANDING, OR PARKING OF VEHICLES

3.0301 Authority

The Town Board of the Town of Brazeau, Oconto County, Wisconsin, has the specific authority under s. 349.13, Wis. Stats., to adopt this ordinance.

3.0302 Purpose

To regulate of the stopping, standing, or parking of vehicles on town roads in the Town of Brazeau as follows:

- A. The stopping, standing, or parking of vehicles is prohibited on:
 - 1. Lee Lake Public Access Road
 - 2. N. Marl Lake Road.
- B. The Town Chairperson, or his or her designee shall ensure that appropriate traffic signs on the roads listed in section 3.0302(A) are present.
- C. No persons may operate any vehicle on the roads listed in section 3.0302(A) in violation of the above noted stopping, standing, or parking restricts and limitations. Any violation shall be subject to a forfeiture of \$50.00. Refer to the Town of Brazeau Bond Schedule.

3.0400 MAILBOXES

3.0401 Mailboxes Newspaper Tube; affiliated roadside receptacles

Mailboxes and/or newspaper tubes are prohibited on the right-of-way of all highways/roads within the Town of Brazeau except as hereinafter provided, and no person shall cause, allow or permit any person to install a mailbox and/or newspaper tube in the town which may create a safety hazard.

3.0402 Purpose

The purpose of this section is to establish standards for safe mailbox installation and to promote the public safety of persons who travel the roads/highways in the Town of Brazeau by reducing and/or eliminating potential hazards which may be created by mailboxes with improper support systems in the town.

3.0403 Authority.

The Town of Brazeau board has the specific statutory authority, powers and duties, pursuant to s. 60.10 (2)(c), Wis. Stats., and by granting of village powers , by the people of the Town of Brazeau to the Town of Brazeau board at an annual town meeting held on April 4, 2009.

3.0404 Design

Mailboxes are approved only if they are of a design approved by the United States Postal Service. Newspaper Tubes are permitted if provided by the newspaper and are of a construction or design that will not present a hazard to the proper use of the right-of-way.

3.0405 Support

The support for the mailbox and newspaper tube shall adhere to the standards governing construction of mailbox supports as established by the Wisconsin Department of Transportation and shall not constitute a hazard to the public use of the right-of-way.

3.0406 Location

Mailbox and newspaper tubes shall be located on the side of the road/highway required by the United States Postal Service. Per Town of Brazeau Policy adopted 2-7-2014; receptacle shall be placed two (2) feet from the edge of the blacktop (road surface) and the receptacle shall be 46 inches above the grade of the shoulder.

3.0407 Mailbox Replacement

- A. The Town of Brazeau may replace mailboxes damaged on the town road system where it has been determined that:
 - 1. Physical damage, which can be proven and documented by the owner or the town, was caused by actual town equipment contact.
 - 2. The existing installation, mailbox, and mailbox post were in good repair.
 - 3. Mailbox is placed in conformance with US Post Office standards.

- B. The Town of Brazeau will not replace mailbox damaged on the town road/highway system where it has been determined that:
1. Evidence indicates that the weight of the plowed snow results in the damage to the mailbox.
 2. The mailbox, post and installation were not in good repair.
 3. Mailbox was not in conformance with US Post Office standards, even though it may have been damaged by town equipment.

3.0408 Replacement Fee

Replacement of mailbox by the Town if deemed required; referenced in the Town of Brazeau Fee Schedule.

3.0500 BOATING REGULATIONS AND WATER SPORTS

3.0501 Intent

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

3.0502 Applicability and Enforcement

- A. The provisions of this ordinance shall apply to all waters within the jurisdiction of the Town of Brazeau, Oconto County, Wisconsin.
- B. The provisions of this ordinance shall be enforced by the law enforcement officers of the Town of Brazeau, along with any and all other state and county officers authorized by law to enforce the same. Copies of this ordinance will be posted at all public landings.

3.0503 Boating and Safety Laws Adopted

The boating and safety laws of the State of Wisconsin found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

3.0504 Definitions

“Boat” - means every description of watercraft capable of being used as a means of transportation on water.

“Buoy” - is any device designed to float which is anchored in the water and which is used to convey a message.

“Motorboat” - means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion.

“Operate” or “use” - when used with reference to a motorboat, boat or vessel means to navigate or otherwise employ.

“Regulatory marker” - is any device designed to be placed in, or near any water within the Town, to convey an official message to a boat operator on matters which may affect health, safety, or well-being.

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

“Swimming area”- means an authorized area of water established by regulatory markers to designate a swimming area.

“Water Skis” – means any apparatus used to tow a person on the water or above the water by means of ropes or lines attached to a motorboat.

3.0505 Boating Regulations

A. Speed

No person shall operate a motor boat at a speed greater than is reasonable and prudent under the conditions, and having regard for the actual and potential hazards then existing. Speed of a motor boat shall be so controlled as to avoid colliding with any object lawfully in or on the water in

compliance with legal requirements, and exercising due care.

B. Fixed Limits

In addition to complying with section 3.0505(A) of this Ordinance, no person shall operate a motor boat in excess of slow-no-wake between 6:00 PM and 10:00 AM Central Daylight Time.

C. Prohibited Operation

1. Except provided under section 3.0505(C)(2) of this Ordinance, no person may operate a motorboat within 100 feet of any dock, raft, pier, or buoyed restricted area on any water within the Town of Brazeau in excess of slow-no-wake speed.
2. No boat towing persons engaged in water skiing, aquaplaning or similar activity on any water in the Town of Brazeau shall engage in such activity within 100 feet of any occupied anchored boat, or marked swimming area, or public boat landing, except where pickup and drop area are established and marked with regulatory markers.

3.0506 Water Skiing Regulated

A. Hours

1. Except as provided in section 3.0506(A)(2) of this Ordinance, no person shall operate a motor boat, towing a person on water skis, aquaplaning, or similar activity at any time between 6:00 PM and 10:00 AM Central Daylight Time.
2. Section 3.0506(A)(1) of this Ordinance does not apply to duly authorized water ski tournaments, competitions, exhibitions or trials thereof where adequate lighting is provided and where the permissions to stage such tournaments, competitions or exhibitions has been received from the Town Board of the Town of Brazeau, Oconto County, Wisconsin.

B. Operator and Observer Requirements

No person shall operate a boat for the purpose of towing a person on water skis, aquaplane, or similar device or permit himself to be towed for such purpose, unless such boat has a competent operator plus a competent observer. Persons between the ages of 12 and 16, unless accompanied by parent or guardian, shall have a boating safety certificate issued under s. 30.74(1), Wis. Stats., to be considered competent operator or observer.

3.0507 Littering

No person shall deposit, place, or throw from any boat, raft, pier, platform or similar structure, or from shore, any cans, paper, bottles, debris, refuse, garbage, solid or liquid waste on or into any waters in the Town of Brazeau, Oconto County, Wisconsin.

3.0508 Penalties

Wisconsin State boating penalties, as found in s. 30.80, Wis. Stats., and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference, with all references to fines amended to forfeitures and all references to imprisonment deleted. Any person violating a provision of this Ordinance for which no statutory equivalent exists in Ch. 30, Wis. Stats., shall forfeit the following:

- A. Anyone found guilty of violating sections 3.0505 and 3.0506 of this Ordinance shall pay a forfeiture established by the Town Board (refer to the Town of Brazeau Bond Schedule), together with the costs of prosecution.
- B. Anyone found guilty of violating Section 3.0507 of this Ordinance shall pay a forfeiture established by the Town Board (refer to the Town of Brazeau Bond Schedule), together with the costs of prosecution.

3.0509 Severability

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

3.0600 WEAPONS AND FIREARMS

3.0601 Definitions

For purpose the following definitions are hereby incorporated by reference and shall apply herein:

- A. The definitions set forth in Section 175.60(1), Wis. Stats.
- B. The definitions set forth in Section 939.22, Wis. Stats.
- C. The definitions set forth in Sections 941.23(1) and 941.295(1c), Wis. Stats.
- D. The definitions set forth in Section 943.13 (1e), Wis. Stats.

3.0602 Carrying Weapons

The following restrictions shall apply to the carrying of weapons or firearms within the town.

- A. The provisions of Sections 175.60, Wis. Stats., 941.23, Wis. Stats. and 943.13, Wis. Stats., are incorporated herein.
- B. In addition to the provisions of Wis. Stats. §175.60 enumerating places where the carrying of a weapon or a firearm is prohibited, thereto, it shall be unlawful for any person, other than a law enforcement officer, to enter the following municipal building(s) while carrying a weapon or firearm:
 - 1. Brazeau Town Hall

3.0603 Signage

Signs in compliance with the provisions of Sec. 943.13 (2)(bm)(1), Wis. Stats., shall be posted in prominent locations near the entrances of the Brazeau Town Hall.

3.0604 Penalties

Anyone that fails to comply with the provisions of this ordinance shall, pay a forfeiture established by the Town Board (refer to Town of Brazeau Bond Schedule) plus applicable surcharges and costs for the violation.

3.0700 FIREWORKS

3.0701 Definition

"Fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- A. Fuel or a lubricant.
- B. A firearm cartridge or shotgun shell.
- C. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- D. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- E. A toy snake which contains no mercury.
- F. A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
- G. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- H. A novelty device that spins or moves on the ground.
- I. Other items so named in s. 167.10, Wis. Stats.

3.0702 Use

No person may discharge fireworks within the Town without a user's permit issued by the Town except as is specifically authorized under the provisions of s. 167.10 (3), Wis. Stat. The burden of proving compliance with and authorization under s. 167.10 (3), Wis. Stat. shall be the individual or entity claiming authorization or permission.

3.0703 Permit

A permit under this s. 167.10, Wis. Stat. subsection shall specify the following;

- A. The name and address of the permit holder.
- B. The date on and after which fireworks may be purchased.
- C. The general kind and approximate quantity of fireworks which may be purchased.
- D. The date and location of permitted use.
- E. Other special conditions so prescribed.
- F. A permit may not be issued to a minor.
- G. User's permit be signed or stamped by a person who is authorized to issue the permit.
- H. A copy of a permit under this subsection shall be given to the municipal fire enforcement official at least 2 days before the date of authorized use.

3.0704 Permit for Specific Event

- A. A fair association.
- B. An amusement park.
- C. A civic organization.
- D. A public authority.
- E. The person issuing a permit under this subsection may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Town Clerk-Treasurer.

3.0705 Penalties

Anyone that fails to comply with the provisions of this ordinance shall, pay a forfeiture established by the Town Board (refer to Town of Brazeau Bond Schedule) plus applicable surcharges and costs for the violation.

3.0800 OFFENSES AGAINST STATE LAW SUBJECT TO FORFEITURE OF THE MUNICIPAL CODE

3.0801 Adoption of Statutory Provisions by Reference.

The following statutes defining offenses against the peace and good order of the state are adopted by reference to define offenses against the peace and good order of the Town, provided that the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under this code. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this *Code of General Ordinances of the Town of Brazeau, Oconto County, Wisconsin*.

23.33 All-Terrain Vehicles and Utility Terrain Vehicles

30.68 Prohibited Operation

167.10 Fireworks Regulation

287.81 Littering

800.12 Municipal court contempt procedure

941.235 Carrying a Firearm in a Public Building

943.24 Worthless Checks

951.02 Mistreating Animals

951.08 Instigating Fights Between Animals

951.15 Animals; Neglected or Abandoned

3.0900 RESERVED

3.1000 RESERVED

3.1100 RESERVED

3.1200 RESERVED

3.1300 EFFECTIVE DATE

Following passage by the Town Board, the *Code of General Ordinances of the Town of Brazeau, Oconto County, Wisconsin* shall take effect the day after the date of publication or posting as provided by s. 60.80, Wis. Stats.

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF BRAZEAU
OCONTO COUNTY, WISCONSIN**

CHAPTER 4: PUBLIC WELFARE

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CHAPTER 4: PUBLIC WELFARE

4.0100 RESERVED

4.0200 RESERVED

4.0300 CONTROL AND CARE OF DOGS AND CATS AND PETS

4.0301 Purpose

The purpose of this ordinance is to regulate, by tag (when applicable) and penalty, the care, treatment, and control of dogs, cats and pets in the town.

4.0302 Authority

The Town Board has the authority under its village powers under s. 60.22, Wis. Stats., and the specific authority under s. 60.23 (30), Wis. Stats., and Chapters 173, 174, and 951 Wis. Stats., to adopt this ordinance.

4.0303 Definitions

- A. “Abandoned” means that a known owner has failed to pay the impoundment and care costs incurred by the town, as specified in Section IX, subsection C & D, within 7 days after receipt by a pet owner of written notice from the Town Clerk-Treasurer that the pet is under the possession and care of the town or its designated agents.
- B. “Legal premise” means the real property owned or occupied by the owner of a dog, cat or pet.
- C. “Owner” means a person who owns, harbors, or keeps a dog, cat or pet.
- D. “Running at large” means off the owner’s legal premise and not under the control of the owner or some other person.
- E. “Stray” means a dog, cat or pet running at large whose owner is unknown.
- F. “Untagged” means a valid license tag is not attached to a collar that is kept on a dog whenever the dog is outdoors, unless the dog is securely confined by the owner in a fenced area or confined on the owner’s legal premise.
- G. “Pet” means an animal primarily for a person’s company or protection, opposed to working animals, sports animals, livestock and laboratory animals.
- H. “Principal place of residence” means the entire property of the owner or possessor

4.0304 Restrictions

Except as provided in Section 4.0305 of this Ordinance, no person may do any of the following:

- A. Allow any dog, cat or pet owned by that person to run at large in the town.
- B. Allow any dog owned by that person to be untagged in the town.
- C. Allow any dog, cat or pet owned by that person to be abandoned in the town.

- D. Allow a dog, cat or pet on the legal premise of its owner to continue to frequently or habitually howl, yelp, bark, cry or make other loud noises that serve to greatly annoy or disturb an adjacent owner or occupant of land or serve to greatly annoy or disturb any considerable number of persons within the neighborhood. Such dogs, cats or pets are hereby declared to be a public nuisance.

4.0305 Exemptions from Section 4.0304 Coverage

- A. A dog that is actively engaged in the town in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land in the town that is open to hunting or on land for which the person has obtained permission to hunt or train a dog. Training may include dog trials or other dog-related outdoor events occurring in the town when these events have been approved by the town board, or its designees.
- B. A dog that is used by a law enforcement agency as defined in s. 165.83 (1) (b), Wis. Stats., in the town to perform law enforcement functions is not considered to be running at large or untagged for purposes of this ordinance.
- C. A dog is untagged and kept in the town for educational or scientific purposes as determined by the town board shall not be considered untagged for purposes of this ordinance.
- D. A dog that is untagged and is kept in the town for the blind, deaf, or mobility impaired as determined by the town board shall not be considered untagged for purposes of this ordinance.

4.0306 Dog License Tax

- A. The owner of a dog or dogs more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, upon presentation of evidence that the dog is currently immunized against rabies, pay the dog license tax and obtain a license, except as follows:
 - 1. Dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons is exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license from the local collecting officer upon application.
 - 2. Dogs that are kept only for educational or scientific purposes are not required to be licensed and are exempt from the dog license tax.
- B. The license tax shall be reviewed from time to time by the town board in accordance with s. 174.05 (2), Wis. Stats.
- C. The license year commences on January 1 and ends on the following December 31.
- D. The late fee (refer to the Town of Brazeau Fee Schedule) may be collected from every owner of a dog or dogs 5 months of age or over, if the owner

fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner fails to obtain a license on or before the date of the dog reaches licensable age. All late fees received or collected shall be paid into the town treasury as revenue of the town.

- E. All dogs must be vaccinated against rabies. No license shall be issued unless a dog or dogs are vaccinated and sufficient proof of vaccination is presented with license request.

4.0307 Town Authority – Taking Custody of Animals

- A. A town official or designated employee of the town shall attempt to capture and restrain any dog, cat, or pet running at large or any untagged dog.
- B. Any town official or designated employee, or a law enforcement officer, on behalf of the town, may take custody of any dog, cat or pet if grounds believe to be that the animal is one of the following per s. 173.13, Wis. Stats.
 - 1. An abandoned or stray animal.
 - 2. A dog is not tagged as required by ch. 174, Wis. Stats.
 - 3. An animal not confined as required by a quarantine order under any statute, rule or ordinance relating to the control of any animal disease.
 - 4. An animal that has caused damage to persons or property.
 - 5. A participant in an animal fight intentionally instigated by any person.
 - 6. An animal mistreated in violation of ch. 951.
- C. If the identity of the owner of a dog, cat or pet taken into custody under this ordinance is known or can be determined, the Town Clerk-Treasurer shall provide written notice to the owner that the dog, cat or pet is in the town’s custody and shall inform the owner that if the owner fails to claim the animal, if dog, have the dog properly tagged, and pay the costs of impoundment and care incurred by the town, the dog will be considered abandoned. The owner may claim the animal upon providing reasonable evidence of ownership, dog is properly tagged and all charges for custody, care, vaccination and treatment are paid per s. 173.23, Wis. Stats.
- D. If the identity of the owner of a dog, cat, or pet taken into custody under this ordinance is not known or cannot be determined with reasonable diligence, the dog, cat, or pet shall be considered a stray.
- E. Unclaimed stray or abandoned dog, cats, or pet remaining in the custody of the Town will remain in the custody of the town for no more than 7 days after issuance of the notice to the owner under section 4.0307 (C) may be released to a person other than the owner, in accordance with s. 173.23 (1m)(a), Wis. Stats., if all of the following apply:
 - 1. The person provides his or her name and address.

2. If licensure is required by statute or ordinance, the animal is licensed or assurance of licensure is given by evidence of prepayment.
 3. If vaccination is required by statute or ordinance, the animal is vaccinated or assurance of vaccination is given by evidence of prepayment.
 4. Any charges imposed by the town for custody, care, vaccination and treatment are paid or waived.
- F. The town and its officials and agents shall comply with chapters 173 and 174, Wis. Stats.
- G. All persons in the town shall fully cooperate with the town regarding dogs in the town and shall answer frankly, fully, and truthfully all questions of the town relative to dog ownership, possession, and keeping all dogs within the town.

4.0308 Running at Large

- A. No owner or possessor of any dog, cat or pet shall permit the same to run at large in the town. For dogs, cats or pet running at large includes all situations in which a dog, cat or pet is:
1. Not within the principal place of residence of the owner or possessor, and,
 2. Not tied up, not securely penned, or not securely held by a chain, rope or leash.
- B. All chains, ropes and leashed shall be so placed or attached that they cannot become entangled with another animal or object, and shall be sufficient length to allow animal property exercise and convenient access to food, water and shelter. Such chain, rope or leash shall be located so as to prohibit such animal from trespassing on private property belonging to others and from causing harm or danger to person or other animals.
- C. When a dog, cat, or pet is outside the principal residence of its owner or possessor, it shall be within the control of its owner or possessor and shall be attached to a leash; which the leash, owner, or possessor shall hold or be attached to, as well as the animal.
- D. No owner or person harboring or keeping a fierce or vicious dog or dogs in heat or cat or cats in heat shall be allowed the same to run at large any anytime.

4.0309 Wild, Exotic, or Vicious Animals as Pets

No person shall keep or permit to be help any wild, exotic or vicious animal(s) as a pet.

4.0310 Animal Waste

It is unlawful for any owner, keeper or possessor including the walker of any dog, cat or pet to permit the animal to discharge animal excreta upon any public or private property other than the property of its owner.

4.0311 Inhumane Treatment

No person shall be cruel or inhumane to any animal by beating, torturing, mutilating or failing to provide it with adequate food, drink or shelter. No person shall abandon any animal within the Town.

4.0312 Penalty Provisions

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture established by the Town Board (refer to the Town of Brazeau Bond Schedule), plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

4.0313 Severability

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

4.0400 BRAZEAU SANITARY DISTRICT

4.0401 Creation & Establishment

(Register of Deeds docketed August 22, 1975)

Town of Brazeau pursuant to the provisions of §60.30, Wis. Stats. to create and establish a sanitary district for the purpose of disposal of sewage and for the chemical treatment of water for the suppression of swimmer's itch, algae and other nuisance producing aquatic growth.

4.0402 Title

The sanitary district shall be known as Brazeau Sanitary District No. 1, a body corporate. (Reference § 60.71 (2), Wis. Stats. creation & name by petition)

4.0403 Sanitary District Composition

All of Section 26; the west 1/2 of the west 1/2 of Section 25, All of Section 24, the south 1/2 of the south 1/2 of section 13, part of section 14 lying south and east of Indian Trail, that part of section 23 lying east and south of Kinziger Lane and Indian Trail and its proposed extension or connection, except the southwest quarter thereof; all in the Township 31 North, Range 18 East.

4.0404 Commissioners

Town of Brazeau heretofore provision for election or appointment of commissioners of said Brazeau Sanitary District No. 1 in accordance with § 60.305 (1a), Wis. Stats. Commissioners shall be property owners within the sanitary district and serve staggering terms of six (6) years.

4.0405 Vacancy

Upon occurrence of vacancy prompted by the completion of term as stated or a vacancy caused by death, removal of residence or no longer a property owner or resignation, successor commissioners shall be appointed by the Town Board of the Town of Brazeau for either successive six (6) years terms or to finish the unexpired term, whichever shall be the situation.

4.0406 Oath & Compensation

An oath as sanitary commissioner must be taken and filed with the Town Clerk-Treasurer. The sanitary district has the same duties and responsibilities regardless, even a sanitary commission comprised of the town board members serves the purposes of the sanitary district meeting in that capacity. Town board determines the compensation of the Sanitary District commissioners, secretary and treasurer per § 60.77(3), Wis. Stats.

4.0407 Changes or Alterations

Reference § 60.785 & 60.79, Wis. Stats.

**4.0500 PROHIBIT DEPOSIT OF RUBBISH ON ROAD/HIGHWAY
RIGHT-OF-WAY**

4.0501 Purpose

Yard waste shall not be placed on the town right-of-way as it can cause problems with drainage and flowage of water and block culverts. Residents and Non-residents shall respect the road right-of-way by not using it for dumping of any refuse.

4.0502 Authority

It shall be unlawful for any person to throw or deposit any weeds, sod, brush, leaves, yard clippings, cans, glass, gravel, stones, garbage or other waste or rubbish in or on the right-of-way of any road/highway located in the Town of Brazeau. No person shall burn any material of any nature in or on the right-of-way of any Town of Brazeau road/highway, and particularly the paved portion thereof in the town except as specifically authorized by the Town of Brazeau.

4.0503 Penalty

Any person violating any provision of this ordinance shall, upon conviction, pay a forfeiture established by the Town Board (refer to the Town of Brazeau Bond Schedule), besides costs and in default of payment thereof.

4.0504 Severability

Should any section of this ordinance be declared invalid or unconstitutional, then such decision shall affect only the section so passed upon, and shall not affect any other section of this Ordinance.

4.0600 RESERVED

4.0700 RESERVED

4.0800 RESERVED

4.0900 RESERVED

4.1000 RESERVED

4.1100 EFFECTIVE DATE

Following passage by the Town Board, the *Code of General Ordinances of the Town of Brazeau, Oconto County, Wisconsin* shall take effect the day after the date of publication or posting as provided by s. 60.80, Wis. Stats.

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF BRAZEAU
OCONTO COUNTY, WISCONSIN**

CHAPTER 5: FEES, PERMITS, AND LICENSES

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CHAPTER 5: FEES, PERMITS, AND LICENSES

5.0100 COLLECTION OF FEES AND TAXES

The Town Clerk - Treasurer of the Town of Brazeau will accept payment of the following by mail or in person at the office (Brazeau Town Hall) of the Town Clerk - Treasurer:

- A. Permit fees.
- B. License fees.
- C. Cemetery revenue.
- D. Special assessment fees.
- E. Real estate tax.
- F. Personal property tax.
- G. Insufficient fund fee.
- H. All other revenue.

5.0200 DELINQUENCY FEE ORDINANCE

5.0201 Delinquency

As a condition of obtaining, renewing, or keeping a license; all local taxes, assessments, special charges, or other fees, including but not limited to municipal forfeitures, shall be paid on a current basis. Any fees unpaid within a time limit set by the town or a court, as the case may be, place the licensee in a state of delinquency and subject to disciplinary action by the Town Board, including reprimand, suspension for a set time period (up to 90 days), or revocation.

5.0202 Revocation

Any license revoked shall not be reinstated within the following six (6) months or license time period, whichever is longer. There shall be no refund of any license fee paid to a party whose license is revoked.

5.0203 Procedure

Upon complaint by any person, or a board direction, and following Town Board review and approval, written notice shall be given to the licensee of the complaint basis, and the date and time the Town Board will hear the matter. For non-alcohol licenses where no statutory procedure is set, service may be by first class mail to licensee's last known address, or personal service, at the Chairperson's option. For alcohol licenses, s.125.12, Wis. Stats., or its successor, will be followed. At present, that statute requires personal service of the hearing notice (summons) and complaint, and a hearing within 3-10 days thereafter. A record of service will be kept by the Town Clerk - Treasurer.

5.0204 Hearing

Evidence and testimony at the hearing shall be done in open session. Pursuant to s. 19.85(1)(a), Wis. Stats., the Town Board may go into closed session to deliberate with regard to its decision, where this has been listed on the hearing notice. The Town Clerk - Treasurer shall see that the hearing notice is posted or published, in a format acceptable to the chairperson or his designated representative.

5.0205 Penalty

In lieu of a hearing, the Town Board may accept license surrender, and then determine the time period before another application for the same type of license will be accepted from the former licensee for review. In the event that the complaint allegation(s) are proved at hearing, the Town Board shall decide which penalty for violation is appropriate. Multiple offenses may be considered at any hearing involving the same licensee.

5.0206 Severability

In the event any portion of this ordinance is or becomes invalid or illegal, the remaining portions shall remain in full force and effect.

5.0300 WORTHLESS CHECKS ORDINANCE

Whoever issues any check or other order for payment of money, which at the time of issuance, the person intends shall not be paid is guilty of violation of this code of ordinances.

Any of the following prima facie evidence that the person at the time he or she issued the check or other order of payment of money, intended that it should not be paid.

1. Proof that, at the time of issuance, the person did not have an account with drawee; or
2. Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check or other order; or
3. Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check or other order

This ordinance does not apply to a postdated or a check given in past consideration, except a payroll check.

Whoever violates this ordinance may be required to make restitution as provided in Section 800.093 Wis. Stats., and, in addition be subject to a forfeiture of not less than \$50.00 and not more than \$500.00 together with the costs of prosecution. Refer to the Town of Brazeau Bond Schedule.

This ordinance is intended to be in conformity with Section 943.24 Wis. Stats., and shall be interpreted consistent with that intent.

5.0400	RESERVED
5.0500	RESERVED
5.0600	RESERVED
5.0700	RESERVED
5.0800	RESERVED
5.0900	RESERVED
5.1000	RESERVED
5.1100	RESERVED
5.1200	RESERVED
5.1300	RESERVED
5.1400	RESERVED

5.1500 DRIVEWAY PERMIT

5.1501 Purpose

The purpose is to regulate, for public health and safety reasons, the establishment, repair, construction, improvement, modification, and reconstruction of private driveways, to assure that the methods of repair, construction, improvement, modification and reconstruction practices used in any driveway will protect properly the public health, safety, and general welfare of person in the Town of Brazeau, and to limit and regulate highway/road access by motor vehicles to any town highway/road in the town.

5.1502 Definitions

- A. “Driveway” means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public highway/road, and will provide vehicular access from the highway/road to a residence, business, recreational site, or other similarly appropriate use.
- B. “Emergency vehicle” means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the town.
- C. “Impacted landowner” means an owner of real estate that is provided vehicular access to a public highway/road by a driveway determined to be unsafe.
- D. “Prime or productive agricultural or forestry land” means any land within the town that is currently being farmed or kept in forestry, including cropland and pastureland, or land that is included in government sponsored agricultural or forestry program.

5.1503 Coverage

- A. No person may establish or construct a driveway or reconstruct, reroute, or alter the existing slope of any existing driveway or any town or other highway/road or highway/road right-of-way in the town in relation to the connection of the highway/road or highway/road right-of-way to a driveway, whether new or previously existing, without first obtaining a Town Driveway Permit to be issued by the Town Board.
- B. Any person prior to an at the time of seeking a Town Driveway Permit must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.

5.1504 Application and Permit Provisions

- A. The Town Board shall approve a form for application for the Town Driveway Permit, which shall be available from the Town Clerk - Treasurer or from the Town of Brazeau website.
- B. The applicant for a Town Driveway Permit shall submit to the Town Clerk - Treasurer a completed application for each with the appropriate fee and with the following attachments:

1. Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions of the project. The sketch map may be submitted to the Town Board prior to the preparation or submission of the other supporting documents in order for the Town Board to provide initial comments and review of the proposal. However, formal approval for a Town Driveway Permit will not be granted without the submission of complete supporting documents.
 2. Plat Map. A plat map indicating the location and dimensions of the desire driveway and highway/road access locations, if any, as well as the parcels immediately adjacent to the applicant's property. Once the Town Board has reviewed the sketch map, the applicant may be asked to submit preliminary plat or final plat.
 3. Slope Analysis
 4. Aerial Photo/Site Analysis (optional)
 5. Driveway construction plan (optional)
- C. Procedures for the evaluation of the Town Driveway Permit application by the Town Board, including any required/necessary site inspections of the proposed driveway. Slope and culvert needs will be included in the evaluation.
- D. The Town Board shall approve or deny every Town Driveway Permit application and may as a condition of issuance place specific restrictions or conditions on the permit, which shall require compliance by the permittee. Reasons may include by are not limited to:
1. The inconsistency or nonconformance of the proposed driveway
 2. The driveway, culvert or highway/road access or any combination, when constructed, rerouted, reconstructed or altered as proposed would be dangerous or unsafe for use by persons in the town.
 3. The driveway will not provide adequate ingress and egress for emergency vehicles.
 4. The application as filed and submitted is found incomplete or contains false material as determined by the Town Board.
 5. An alternative driveway location will preserve or better protect more prime or productive agricultural or forestry land in the town.
 6. Alternative driveway location or alternative access to highway/road locations will have less negative land use impact on community, public, or environmentally sensitive parcels of land or facilities in the town, including land adjacent to or near the proposed driveway.
- E. In the event of a denial of a Town Driveway Permit, the Town Board shall recite the particular facts upon which it bases its denial of the permit. The Town Board shall also afford the applicant an opportunity to review the

Town Board’s decision and present evidence refuting the determination. The Town Board may affirm, reverse, or modify its decision. The Town Board shall recite findings for any decision to modify or reverse its initial determination.

- F. An application fee that is nonrefundable in an amount determined by a resolution of the Town Board will be charged for each town driveway permit application. Refer to the Town of Brazeau Fee Schedule.

- 5.1600 RESERVED**
- 5.1700 RESERVED**
- 5.1800 RESERVED**
- 5.1900 RESERVED**
- 5.2000 RESERVED**
- 5.2100 RESERVED**
- 5.2200 RESERVED**
- 5.2300 RESERVED**

5.2400 ALCOHOL, BEVERAGE LICENSES

5.2401 Incorporation of State Statutes

The provisions of Chapter 125 and §48.344 and §778.25 Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages are hereby adopted by reference and made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section (5.0700). Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made part of Section 5.0700 of this Ordinance.

5.2402 License Required

- A. License Required. No person, firm, business or corporation shall vend, sell, deal or traffic in or have in his/her possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor, wine or fermented malt beverage, including wine cooler products, in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Section nor without complying with all the provisions of this Section, and all statutes and regulations applicable thereto, except as provided by Sections 125.06, 125.25, 125.26, 125.27, 125.28 and 125.51 of the Wisconsin Statutes.
- B. License Application. Applications for intoxicating liquor or fermented malt beverage Licenses under this Section shall be obtained from the Office of the Town Clerk-Treasurer.
- C. Fees
 - 1. Application Fees: Applicants for license under this Section shall also pay all actual publication and notice expenses and such administrative and processing charges as the Town may, from time to time, establish by resolution. (Refer to Town of Brazeau Fee Schedule)
 - 2. License Issuance Fees. The fees for the issuance of intoxicating liquor or fermented malt beverage licenses under this Section shall be set by the Town Board by resolution. (Refer to Town of Brazeau Fee Schedule)
 - 3. License Issuance Fees. The fees for the issuance of operator under this Section shall be set by the Town Board by resolution. (Refer to Town of Brazeau Fee Schedule)

5.2403 Approval and Issuance of Licenses

- A. License Approval. The approval of any license authorized under this Section shall be subject to the conditions and requirements of the applicable State Statutes and to approval by majority vote of the Town Board.
- B. Issuance of Licenses. The issuance of any license authorized under this Section shall be subject to the provisions of this Section and to the following:
 - 1. Delinquent taxes, Fees or Assessments. No license shall be granted for operation hereunder on any premises for which any taxes or assessments or other financial claims of the Town are delinquent and unpaid. (Refer to Section 5.0200 of this Chapter)
 - 2. Code of Compliance. No license shall be issued unless the premises conform to the sanitary, safety, and health requirements of the State Building Code, and the regulations of the State Board of Health and Fire Department-Department of Commerce. Each applicant's proposed licenses premises shall be subject to an inspection prior to issuance of the license by the designees of the Town Board.

5.2404 Posting Licenses; Defacement

- A. Licenses to be Posted. All licenses issued under this Section shall be posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.
- B. License Defacement Prohibited. It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.
- C. By July 15 annually the Clerk-Treasurer issuing license shall mail/inform the Department of Revenue; a list containing the name, address, and trade name of each person holding a license issued by the municipality under s. 125.25(6), Wis. Stat.

5.2405 Conditions of License

All licensees hereunder do virtue of this acceptance of the issuance of a license under this Section consent to the following:

- A. Consent to Entry. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Town at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Town ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- B. No employment of Minors. With the exceptions of hotel and restaurant operations, no retail Class "B" or Class "C" licensee shall employ any person under eighteen (18) years of age. Notwithstanding the foregoing, a

member of the licensee's immediate family under the age of 18 may serve alcoholic beverages where otherwise allowed to by state law.

- C. Disorderly Conduct Prohibited. Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- D. Licensed Operator on Premises. There shall be upon premises operated under a Class "B" or Class "C" license, at all times, the licensee or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner serving, any fermented malt beverages to customers. No member of the immediate family of the licensee under the age of eighteen (18) years shall serve as a waiter for, or in any other manner serve, any fermented malt beverages to customers unless an operator eighteen (18) years of age or over is present upon and in immediate charge of the premises. No person other than the licensee shall serve fermented malt beverages in any place operated under a Class "B" license unless he or she possesses an operator's license, who is at the time of such service upon said premises.
- E. Compliance with Health and Sanitation Regulations. The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all Class "B" liquor licenses and Class "C" licenses issued under this section. No Class "B" or Class "C" license shall be issued unless the premises to be licensed conform to such rules and regulations.

5.2406 Hours of Operation/Restriction

Establishments with Class "A", Class "B" or Class "C" licenses are either prohibited for selling alcohol or cannot be open for business during specified hours: Wis. Stats. §125.32(3) and 125.68(4) and 125.68(4)(c) 1 and 3.

5.2407 Transfer of License; Lapse of License

- A. Transfer of License. Subject to and in accordance with the provision of s. 125.04 (12), Wis. Stats., a premises license issued hereunder shall be transferable from one premises to another if such transfer if first approved by the Town Board. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is \$10.00. Whenever a license is transferred the Town Clerk-Treasurer shall forthwith notify the State of such transfer.
- B. Transfer of Corporate Agent. Whenever the agent of a corporate holder of a license is, for any reason, replaced, the licensee shall give the Town Clerk-Treasurer written notice of said replacement, the reasons therefore and the new name of the agent. Until the next regular meeting or special meeting of the Town Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Town Clerk-Treasurer of notice of disapproval of the successor agent by the Wisconsin Department of Revenue, which notice shall be served on the licensee. The

corporation's license shall cease to be valid after receipt of such notice and the corporation shall suspend all operations otherwise permitted by such license until the successor agent or another qualified agent is appointed and approved by the Town and Wisconsin Department of Revenue.

- C. Lapse. Whenever any licensee under this Section shall not conduct his or her licensed business at the authorized location for a period of six (6) consecutive months, the license issued to him or her shall lapse and become void, unless such six (6) months period shall be extended by the Town Board.

5.2408 Special Class "B" Fermented Malt Beverage Picnic or Special Event License Restrictions

The grant of a special Class "B" fermented malt beverage license or a special event license hereunder to groups or organizations shall be subject to the following conditions of license:

- A. Licensed Operator on Premises. There shall be at least one person properly licensed as an operator under the provisions of this Section on the premises at all times to supervise the service of beverages.
- B. Code of Compliance. Holders of the license hereunder shall fully comply with the provisions of this code and the state statutes.
- C. Indoor event Conditions. For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. The venue shall contain adequate sanitary facilities to accommodate the size of the group.

5.2409 Operators Licenses

- A. Operator's License Required. The licensee, or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers shall be on the premises operated under a Class "A" or Class "B" intoxicating liquor license, Class "B" fermented malt beverage license, or Class "C" wine license, at all times. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under the Class "A" or Class "B" licenses or Class "C" wine license unless he or she shall possess an Operator's License issued by the Town hereunder or unless he or she shall be under the immediate supervision of the Licensee or a person holding an Operator's License who shall be upon the premises at the time of such service. (State Law Reference: s. 125.17, Wis. Stats.) Operator(s) required completion of responsible beverage service training course; exempt from training course requirement if they are renewing an existing Operator's License, have completed the training course within last two (2) years, or have held a retail license, manager's or Operator's License anywhere in the State of Wisconsin with the last two (2) years. (s. 125.17(6), Wis. Stats.)
- B. Application Procedure. The Town Board may issue an Operator's License to

qualified individuals eighteen (18) years of age or older, on application forms to be obtained, from the Town Clerk-Treasurer. An Operator's Licenses issued hereunder shall be operative only within the boundaries of the Town.

- C. Term of License. The term of an Operator's License issued under the provisions of this Section shall be for a period of no more than one (1) year from the date of issuance and shall expire on the 30th day of June of the next subsequent calendar year after the year of issuance.
- D. License Fee. Refer to the Town of Brazeau Fee Schedule. License fee may be prepaid at time of the filing of the application and shall be non-refundable.
- E. Issuance of License. Upon approval of the Operator's License application by the Town Board the license shall be issued by the Town Clerk-Treasurer. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- F. Display of License. Operator's License issued under the provisions of this Section shall be posted on the premises whenever the operator dispenses alcoholic beverages.

5.2410 Suspension, Revocation and Non-Renewal

- A. Notice and Hearing. No license issued hereunder shall be suspended, revoked or not renewed without first affording the license holder an opportunity for a public evidentiary hearing.
- B. Hearing Forum. Any hearing for suspension, revocation or non-renewal of a license under this Section shall be held and conducted by and before the Town Board.
- C. Compliant. Any resident of the Town may file a sworn written complaint with the Clerk-Treasurer alleging that a person holding a license issued under this Section has violated the provisions of this Section or the regulations adopted under §125.10, §125.12, Wis. Stats.
- D. Summons. Upon the filing of Complaint, the Town Board shall, within thirty (30) days of the receipt thereof set a hearing date and issue a summons, signed by the Town Clerk-Treasurer. The summons shall command the licensee to appear before the Town Board on a day and place named in the summons.
- E. Hearing Process
 - 1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body finds the allegations sufficient, the license shall be revoked. The Town Clerk-Treasurer shall give notice of the revocation to the person whose license is revoked.

2. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the complaint is found to be true, the license shall either be suspended for not less than ten (10) days nor more than ninety (90) days or revoked.
 3. The provisions of s. 125.12, Wis. Stats., shall govern the conduct of the hearing hereunder.
- F. **Effect of Revocation.** When a license is revoked under this subsection, the revocation shall be recorded by the Town Clerk-Treasurer and no other license issued under this Section may be granted within twelve (12) months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.
- G. **Non-Renewal.** The Town Board may refuse to renew a license under this Section for the causes provided in 5.0710(E) hereof. Prior to the time for the renewal of the license, the Board shall notify the licensee, in writing, of the Board's intention not to renew the license and provide the licensee with an opportunity for a hearing. A hearing shall be conducted per Section 5.2410 of this Chapter.

5.2411 Penalty

Any person serving alcoholic beverages without an operator's (bartender) license issued by the Town Board will be in violation and subject to a forfeiture (refer to the Town of Brazeau Bond Schedule).

5.2500 RESERVED

5.2600 RESERVED

5.2700 RESERVED

5.2800 EFFECTIVE DATE

Following passage by the Town Board, the *Code of General Ordinances of the Town of Brazeau, Oconto County, Wisconsin* shall take effect the day after the date of publication or posting as provided by s. 60.80, Wis. Stats.

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF BRAZEAU
OCONTO COUNTY, WISCONSIN**

CHAPTER 6:

A TOTAL OPT OUT OF ANY LENGTH AND WEIGHT LIMITS FOR ALL IOHS, ALL AG CMVS AND FOR ANY TRAILERING OF ONE OF EITHER OF THESE TWO TYPES OF VEHICLES FROM FARM TO FIELD, FROM FIELD TO FIELD, OR FROM FARM TO FARM, PURSUANT TO § 348.15(9)(F)2.

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CHAPTER 6: A TOTAL OPT OUT OF ANY LENGTH AND WEIGHT LIMITS FOR ALL IOHS, ALL AG CMVS AND FOR ANY TRAILERING OF ONE OF EITHER OF THESE TWO TYPES OF VEHICLES FROM FARM TO FIELD, FROM FIELD TO FIELD, OR FROM FARM TO FARM, PURSUANT TO § 348.15(9)(F)2. 6-1

CHAPTER 6: A TOTAL OPT OUT OF ANY LENGTH AND WEIGHT LIMITS FOR ALL IOHS, ALL AG CMVS AND FOR ANY TRAILERING OF ONE OF EITHER OF THESE TWO TYPES OF VEHICLES FROM FARM TO FIELD, FROM FIELD TO FIELD, OR FROM FARM TO FARM, PURSUANT TO § 348.15(9)(F)2.

Whereas, Wis. Stat. § 348.27(19)(b)5.a. provides that a municipality or county may authorize implements of husbandry as defined in § 340.01(24), agricultural commercial vehicles as defined in § 340.01(1o), and a 2-vehicle combination transporting by trailer or semitrailer either one of these two types of vehicles from farm to field, from field to field, or from farm to farm to exceed any statutory length and weight limits imposed by Wis. Stats. Chapter 348 on all highways under its jurisdiction.

Now, therefore, BE IT HEREBY ORDAINED by the Town Board of the Town of Brazeau, of Oconto County, that pursuant to § 348.27(19)(b)5.a. implements of husbandry as defined in § 340.01(24), agricultural commercial vehicles as defined in § 340.01(1o), and a 2-vehicle combination transporting by trailer or semitrailer either one of these two types of vehicles from farm to field, from field to field, or from farm to farm may exceed any length and weight limits imposed by Chapter 348 on all highways under the town's jurisdiction. Therefore, operators of these vehicles do not need to seek Chapter 348 permits from the town and the town will not issue any as none are needed.

Further, BE IT HEREBY ORDAINED that implements of husbandry as defined in § 340.01(24), agricultural commercial vehicles as defined in § 340.01(1o), and a 2-vehicle combination transporting by trailer or semitrailer either one of these two types of vehicles from farm to field, from field to field, or from farm to farm are still bound to and shall abide by any applicable locally-imposed weight limit postings on town highways and any postings on town bridges or culverts adopted pursuant to Chapter 349. Therefore, operators of these vehicles do need to seek permits from the town if there are locally-imposed weight limit postings adopted pursuant to Chapter 349, except that pursuant to § 348.16(2) an implement of husbandry or agricultural commercial motor vehicle being operated or transported, or a 2-vehicle combination transporting an implement of husbandry or agricultural commercial motor vehicle, as described in §§ 348.15(9)(c), (cm), (e), or (f)1. or 1m. (empty potato harvesters, implement dealer transit, Category B implements of husbandry and Type 1 agricultural commercial motor vehicles whether trailered or untrailered) are exempt from a Class B highway limitation adopted pursuant to § 349.15.

Further, BE IT HEREBY ORDAINED that a copy of this ordinance shall be provided to the Wisconsin Department of Transportation to be posted on its Internet site.

Repeal: All existing town ordinances, parts of ordinances, and amendments thereto in conflict with any of the provisions of this ordinance are hereby repealed.

Effective Date: Following passage by the Town Board, the *Code of General Ordinances of the Town of Brazeau, Oconto County, Wisconsin* shall take effect the day after the date of publication or posting as provided by s. 60.80, Wis. Stats.

NOTE: For this ordinance to be effective in any calendar year, it must be adopted on or before November 30 of the prior year.

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF BRAZEAU
OCONTO COUNTY, WISCONSIN**

CHAPTER 7: BUILDINGS AND CONSTRUCTION

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CHAPTER 7: BUILDINGS AND CONSTRUCTION

7.0100 UNIFORM DWELLING CODE

7.0101 Authority

These regulations are adopted under the authority granted by s. 101.65, Wis. Stats.

7.0102 Purpose

The purpose of this ordinance is to promote the general health, safety and welfare of the Town of Brazeau.

7.0103 Scope

A. One and Two Family Dwellings

The scope of this ordinance includes the construction and inspection of stick and manufactured; one and two family dwellings build since June 1, 1980. The building structure and any heating, electrical, or plumbing systems shall comply with the Wisconsin Uniform Dwelling Code (UDC).

B. Garages

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code and the accessory building requirements of the Oconto County Ordinance.

C. Camping Units

Wis. Stats. Chapter 101.63(1) establishes standards for the construction and inspection of camping units set in a fixed location in a campground that are licensed by the Wisconsin Department of Health Services. The standards apply to such units that contain a sleeping place, and that is used for seasonal overnight camping. SPS 327.08(9), of the Wisconsin Administrative Code, defines a Camping Unit as a framed structure or a tent, teepee, yurt, or other structure with fabric roof or walls that is 400 square feet or less in an area, which is used for seasonal overnight camping in a campground.

7.0104 Wisconsin Administrative Codes Adopted

The following Wisconsin Administrative Code chapters, and all amendments thereto, are hereby adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

SPS 320 through SPS 325, State Uniform Dwelling Code;

SPS 327, Camping Units;

SPS 367, Rental Unit Energy Efficiency;

SPS 316, State Electrical Code; and the

SPS 381 through SPS 387, State Plumbing Code.

7.0105 Enforcement

This section will be enforced by the Town of Brazeau using a contract with a certified Building Inspector.

7.0106 Building Inspector

Qualifications: The Building Inspector shall have the necessary qualifications as stated in ILHR 26.06 and be certified by the state in categories for which he/she is appointed. The Building Inspector agrees to maintain UDC credentials in good standing with the State of Wisconsin at his/her expense. The Building Inspector is to hold liability insurance at his/her expense when performing duties associated with the Town of Brazeau as Building Inspector.

General Powers and Duties: The Building Inspector shall administer and enforce all provisions of this code and the UDC. The Building Inspector may at all reasonable times enter upon any public or private premises for inspection purposes. No person shall interfere with the Building Inspector while in the performance of the duties described herein.

Unsafe Buildings: Whenever the Building Inspector or the Town Board find any building or part thereof within the Town of Brazeau to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in s. 66.0413, Wis. Stats.

Records: The Building Inspector shall keep a record of all permit applications issued; to include State of Wisconsin Insignia Camp Unit Seal and Uniform Dwelling Code seal.

- A. Permits shall be marked in order and shall coordinate with the seal numbers purchased from the State of Wisconsin Insignia Camp Unit Seal and Uniform Dwelling Code Seal.
- B. Records shall exhibit project, occupancy type, HVAC, construction type, living space, foundation, sewer/sanitary permit no. estimated building cost, etc.
- C. Records of all condemnation and removal of buildings.

7.0107 Building Permit Required

No person shall alter, renovate, remodel, add onto or build without obtaining a building permit for such work from the Building Inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code compliant condition as determined by the Building Inspector is exempted from permit requirements. Residing, re-roofing, finishing of exterior surfaces and installation of cabinetry shall be exempted from permit requirements.

Issuance: Building permit copy to be electronically filed no later than the 15th day

of the first month beginning after issuance of each building permit.

Compliance: Failure to submit permit electronically by the end of the month; after the permit was issued, shall deem a refund of the amount paid for the building permit minus the State seal cost. §101.63(7m), Wis. Stats.

7.0108 Building Permit Fee

The building permit fees shall be determined by the Town of Brazeau Town Board. Refer to the Town of Brazeau Fee Schedule.

7.0109 Disclaimer on Inspection

The purpose of the inspection(s) under this chapter is to improve the quality of housing in the Town of Brazeau. The inspection(s) and the reports and findings issued after the inspection(s) are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this chapter.

“These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use, or durability of equipment and materials not specifically cited herein is expressed or implied.”

This chapter shall not be construed as creating or assuming any liability on the part of the Town or its officials for damages to anyone injured or any property damaged or destroyed by any defects in any building or equipment, or in any plumbing, electrical wiring, or equipment or any flammable materials, equipment or devices.

7.0110 Violations

When the building inspector cites violations with this code or the UDC, the violations shall be promptly corrected. All written violations shall be corrected within 30 days unless an extension of time is granted pursuant to S.S. DILHR 20.21 of the UDC.

7.0111 Penalties

The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Refer to the Town of Brazeau Bond Schedule for forfeitures for each day of noncompliance. s. 101.66, Wis. Stats.

7.0200 RESERVED

**7.0300 LAND DIVISIONS / PUBLIC-PRIVATE ROAD
CONSTRUCTION REQUIREMENTS**

7.0301 Land Divisions Governed by this Ordinance

A. Purpose

This ordinance shall apply to the following: Any act of division of a lot, parcel or tract which existed on the effective date of this ordinance by the owner(s) thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates one or more new lots, parcels, tracts or units, if the lot parcel or unit, being created is equal to or smaller in area than ten (10) acres in size, where there currently is, or is planned to be, three (3) or more dwellings which do not have public road access adjacent to each parcel.

7.0302 Private & Public Road Construction Requirements

A. Intent

The purpose of this section is to control the widespread development of divisions of land using private and public roads and to provide standards for roads and easements within the Town of Brazeau that promote the public safety, convenience, general welfare and minimize poorly designed points of access, set standards for new private or public roads over which emergency vehicles may be required to travel, set standards for new private and public roads being developed into the road system and set standards for recognized access roads serving newly created lots.

B. Specifications

Along with the provisions of this section, private roads shall be subject to all specifications and provisions included in said section and regarding Town roads and Ch. 236, Wis. Stats., currently in effect and subsequently amended with such provisions incorporated by reference into this section.

C. Standards

For all new roads serving more than three (3) parcels.

1. After April 18, 2017, all new roads for development serving more than three (3) parcels of residential units shall be built and ownership thereof turned over to the Town of Brazeau as public Town roads after satisfactory completion by the developer/property owner according to the standards prescribed in this section or, with approval of the Town Board, a private road may be utilized complying with the standards of this subsection.
2. All newly developed future Town roads shall be constructed to standards prescribed by this code of ordinances, including required paving, or, in lieu of paving, a certificate of deposit, surety bond, irrevocable letter of credit or cash deposit shall be established and deposited in the name of the Town of Brazeau to pay for the

construction and paving of the road at a later date. The monetary deposit/guarantee shall be in an amount acceptable to the Town reflecting the current cost of paving and associated base improvements at the time of submittal.

3. The developer shall make an escrow deposit or in lieu thereof shall furnish a performance bond or irrevocable letter of credit, the amount of the deposit and the penal amount of the bond to be equal to one and one-quarter (1 ¼) times the estimate of the total cost of all road improvements (grading, base installation, paving, etc.), as prepared by the Town Board or designee, including the cost of inspection.
4. A new private road may be established serving more than three (3) parcels or residential units if the following criteria are met:
 - (a) The parcel(s) served by said road is owned by the same person and ownership remains with that person;
 - (b) The parcel(s)/unit(s) and/or residence(s) is owned by a legally recognized corporation and remains in that corporation's holdings;
 - (c) All such private roads shall have a minimum of sixty-six (66) foot right-of-way;
 - (d) All such private roads may remain graveled a minimum of twenty-six (26) foot wide and ownership remains according to the criteria above;
 - (e) If the criteria of subsection (4) above no longer qualified, no certified survey map (CSM) may be approved unless the private road is brought to the Town standards including paving and the private road is dedicated to the Town of Brazeau as a public Town road.

D. New Private Roads Serving Three (3) or Fewer Parcels

1. If existing and new private roads serving three (3) or fewer parcels do not have minimum standards. It is the responsibility of the owner(s) to adequately construct and maintain such private roads. Adequate clearance for emergency vehicles is also the responsibility of the owner(s) and if such access is inadequate the owner(s) assume all risks. The Town Emergency Services Organizations will make best efforts to provide services at the time of an emergency.
2. If a private road is established serving up to three (3) parcels or residential units and later extended or due to additional land divisions added to serve more than three (3) parcels or residential units, the entire road shall then be brought up to the Town road standards and turned over to the Town of Brazeau as a public road.
3. It is understood that any private road, new or existing, shall not be entitled to either maintenance or improvement by the Town of

Brazeau at any time, now or in the future, unless and until such road has been dedicated to and accepted by the Town of Brazeau as an appropriated public road pursuant to the then applicable ordinance governing acceptances of such road.

E. Existing Private Roads

Existing private roads within the Town of Brazeau will be considered for public Town road status if the following requirements are fully satisfied:

1. A majority of owners of the road agree, in writing, to turn over the road to the Town of Brazeau as a public Town road.
2. The road meets all standards established in this chapter, section (compliance) including the paving requirement.
3. Satisfactory Town inspection of the road shall first occur, verified and approved by the Town Board or designee.

F. Development Plan/Review

Required Information. Following payment of development plan fees per the Town of Brazeau Fee Schedule prior to the commencement of any road construction project (public or private); a development plan shall first be submitted to the Town for approval with the following information in standard section regarding development plan procedures with land divisions.

1. A legal description of the location of the proposed right-of-way on the development plan, for the property owner(s) is responsible. The proposed road shall be staked out at the proposed site for visual inspection at the centerline.
2. The length of road at the centerline.
3. In the case of a private road, the legal documents creating a legally binding property owners association responsible for the maintenance of the private road and other proposed restrictive covenants.
4. All roads conveyed to the Town of Brazeau shall be free and clear of all liens, encumbrances and restrictions except utilities easements. The developer/appliance association shall provide sufficient title evidence reflecting that the property will be conveyed as set forth above it is to be a public road.
5. Upon completion of said road, a professionally prepared map indicating that the road is constructed in the middle of the right-of-way shall be filed with the Town Board.
6. The applicant shall submit to the Town five (5) copies of all information required. The Town Clerk-Treasurer upon receipt of the required information shall forward to Town Chairperson and Town Supervisors, and Plan Commissioners, if applicable.

G. Access Points

1. In the case of requested access to a state or federal highway, the property owner must obtain a permit from the State of Wisconsin.
2. In the case of requested access to a county highway, the property owner must obtain a permit from Oconto County.
3. In the case of access to Town roads not part of a recorded subdivision, the access point shall be 50 feet in all directions from the centerline of the Town road and the access road from the point of intersection d. The applicant shall submit to the Town five (5) copies of all information required. The Town clerk-treasurer upon receipt of the required information shall forward to Town Chairperson and Town Supervisors, and Plan Commissioners if applicable.

7.0303 General Street Design Standards

A. Compliance with Statutes

In laying out a subdivision, the owner shall conform to the provisions of Chapter 236. Wis. Stats. and all applicable Town regulations. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.

B. Dedication

The sub divider shall dedicate land and improve streets as provided in this Chapter. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the Town Board. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road and be compliant to Oconto County Land Division Ordinance.

C. Compliance with Comprehensive Plan

Per Town of Brazeau 20-year Comprehensive Plan: the goal is to advocate safe and efficient transportation systems for all modes of transportation in the town.

1. **Street Classifications.** Streets/roads shall be classified as indicated below.
 - (a) **Arterial Streets.** Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.
 - (b) **Rural Minor Arterials:** Minor arterials, in conjunction, with principal arterials, serve moderate to large sized towns, and other traffic generators providing inter-regional and inter-area traffic movement. Serving populations of 1,000+.
 - (c) **Collector Streets:** Collector streets shall be arranged so as to

provide ready collection of traffic from commercial/residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches, retail centers and other concentrations of population and to the major streets into which they feed

- (d) Rural Major Collector: major collectors provide service to smaller-to-moderate sized places and other intra-area traffic generators, and link those generators to nearby larger population centers or higher function routes
 - (e) Rural Local Road: Local roads provide access to adjacent land and provide for travel over relatively short distances on an inter-township or intra-township basis. All rural roads not classified as arterials or collectors will be local functional roads.
2. Alleys. Alleys may be provided in commercial/industrial districts for off-street loading and service access, but shall not be approved in residential districts. Dead-end alleys shall not be approved
 3. Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provisions shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect.
 4. Number of Intersections. The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements. Preferably not more than two (2).
 5. Visibility. Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable.

6. Street Grades. Unless necessitated by exception topography submit to the approval of the Town board, the maximum centerline grade of any street or public way shall not exceed the following.

Town Road Standards per Wis. Stat. §82.50 (1).

100 to 250 Average Daily Traffic

(a) Right-of-way	66 feet
(b) Roadway Width	26 feet
(c) Surface Width	22 feet
(d) Maximum grades	11 percent

Section Wis. Stats. §82.50 does not apply to improvements on town roads existing on October 1, 1992. Wis. Stats. §82.52 – shall establish by rule uniform minimum geometric standards for the improvement of existing town road.

D. Cul-de-Sacs: Dead-Ends

Cul-de-sac streets designed to have one (1) end permanently closed. All cul-de-sac streets designated to have one (1) end closed shall terminate in a circular turnaround having a minimum seventy-five (75) foot radius, with twenty-five (25) foot paved radius. No more than three (3) private driveways shall have their access on a cul-de-sac; if a parcel located behind a cul-de-sac will, in the opinion of the Town Board, likely be developed in the future, an out lot of sufficient size to provide a future sixty-six (66) foot access shall be provided from the bulb to such parcel.

“T” Turnaround Standards: The “T” turnaround shall be a right angles to the centerline of the highway, have a sixty-six (66) foot wide right-of-way, a minimum base width of not less than thirty-four (34) feet, a minimum paved surface of not less than twenty-two (22) feet, and be not less than fifty (50) feet long on both sides of the highway centerline.

7.0304 Specifications for Preparation, Construction, and Dedication of Streets/Roads

A. General Requirements

1. Construction Standards. All roadway and street construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Chapter, whichever is more restrictive. The design requirements of this section shall be applicable to all streets and roads that are to be dedicated to the Town, regardless of whether such streets or roads are part of a new subdivision or land division.

2. **Project Costs.** All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants, unless otherwise specified. This includes any expense incurred by the Town in the preparation of plans and review and inspection of plans and construction.
3. **Preliminary Consultation.** Prior to the design, preparation and construction of any roadway to be dedicated to the Town of Brazeau, the applicant shall notify the Town Clerk-Treasurer. An on-site meeting will then be arranged to be attended by the Town Board and the applicant. Plans must be provided in order for the Town Board to check the design and the drainage.
4. **Required Inspections.** Although the Town Board may conduct inspections as necessary at any state of construction, Town Board shall be contacted for required inspections after the following phases of construction:
 - (a) Sub base grading;
 - (b) Crushed aggregate base courses;
 - (c) Bituminous surface course; and
 - (d) Shouldering.
 - (e) Placement of erosion control measures (soil stabilization and storm water retention/detention measures). (Upon project completion erosion control to be removed in timely manner.). Any deficiencies found by the Town Board shall be corrected before proceeding to the next phase of construction.
5. **Tests of Materials.** The Town reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.
6. **Pavement Samples.** Samples of bituminous concrete may be required to be taken by the Town at the developer's expense during pavement construction operations for purposes of determining that the material meets specifications.
7. **Town Board Approval.** The finished roadway shall meet with the approval of the Town Board since the Town will include this road work in their annual request for highway aid.

B. Construction Standards

The minimum construction specifications prescribed by this Section shall pertain to all new roads and streets, including roads set out in plats and private driveways for public use, and these standards shall be met before such roads will be accepted by the Town of Brazeau as public roads. After completion of the underground utilities and approval thereof, the streets

shall be constructed. Unless phasing of construction of improvements is approved by the Town Board or its designee, certified survey maps shall not be signed prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site grading plan, as determined by the Town Board or designee. All streets and highways constructed in the Town or to be dedicated to the Town shall fully comply with the following minimum construction standards; the Town Board reserves the right to modify these standards as needed:

C. Roadway Grading; Ditches

Roads shall be graded to their full width in accordance with approved plans, plus an additional distance necessary to establish a four to one (4:1) back slope. The roadway shall be compacted and graded to subgrade using, where necessary, approved fill material which is in accordance with Wisconsin Department of Transportation standards. Reference Wis. Stats. §82.50

D. Road Right-of-Way

The standard Town road shall have a right-of-way width of sixty-six (66) feet.

E. Preparation of Road Base

The road right-of-way shall be graded and drained to include sufficient ditches and culvert pipes for adequate drainage of the area considering the highway and adjacent land development, including proposed development. Grading referenced Wis. Stat. §82.50.

F. Culverts

Private entrance culvert pipes shall be placed in ditches so as to provide adequate drainage of standing and running water. Private entrance culvert pipes shall be of such dimensions as to meet the requirements of the Town Board and shall be of sufficient size to carry the surface water drainage of the area considering the highway and adjacent land development, including proposed development, as determined by the Town Board referencing town driveway permit requirements. The diameter and length of public culverts, including culverts at the entrance to any connecting public road, shall be as determined by the Town Board.

Note: The Town of Brazeau shall not provide culverts to individuals at the Town's expense. See Section 7.0500 of this Ordinance.

G. Minimum Base Course Specifications.

The base course shall consist of six (6) inches of one and one-half (1-1/2) inch crusher run or maximum four (4) inch stone. The top course shall consist of six (6) inches of compacted three-fourths (3/4) inch crusher run stone. The applicant shall furnish a written certificate of the supplier of stone, certifying the road proposed for acceptance by the Town of Brazeau, upon request by the Town Board.

H. Additional Base Material.

If, in the opinion of the Town Board, soil forming the foundation for a road proposed to be accepted by the Town of Brazeau, is unstable as a result of water saturation or unstable composition of soils, or is otherwise so unstable as to preclude the construction of a sound and durable public road in accordance with the minimum specifications otherwise established by this Chapter, the Town Board of the Town of Brazeau may require construction of additional base materials before such road shall be accepted as a public road.

I. Surface Course Standards.

Surfacing must consist of bituminous concrete composition suitable for anticipated traffic loads. The minimum amount of pavement necessary for acceptance must be two (2) inches minimum compacted in thickness. Such material shall be laid down at a width of not less than twenty-two (22) feet with its centerline corresponding to the centerline of the right-of-way.

J. Shouldering.

Shouldering shall be placed on each side of the pavement. Shouldering must correspond with the height of the pavement. It shall be three-fourths (3/4) inch crusher run gravel with a width of three (3) feet from said pavement on each side.

K. Authority for Higher Standards.

The road design standards herein as stated above are intended to be minimum design standards. The Town Board shall have the discretion to impose higher design standards where in the opinion of the Town Board local conditions require higher standards or anticipated traffic which in quantity or quality will require higher standards.

L. Topsoil, Grass, Seed, Fertilizer and Mulch.

All disturbed areas (ditches, back slopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway shall be protected by necessary erosion control materials such as hay bales, sod, erosion control mats, etc., as prescribed by the engineering design for the ditches as approved according to the storm drainage plan required by the Wisconsin Department of Natural Resources.

M. Drainage Improvements.

In the case of all new roads and streets, the Town Board may require that stormwater retention areas and storm sewers be constructed in order to provide for proper drainage. Stormwater maintenance projects involving more than one (1) acre shall meet state requirements.

N. Roadway Drainage Accumulation.

The highway/street shall not impede the general flow of surface water or

stream water in any unreasonable manner so as to cause either an unnecessary accumulation of waters flooding or water soaking uplands, or an unreasonable accumulation and discharge of surface waters flooding or water soaking uplands; Wis. Stats. §88.87.

O. Post-Construction Traffic Limited.

No vehicular traffic shall be permitted on the pavement for a minimum period of between twenty-four (24) and seventy-two (72) hours following paving, as determined necessary by the Town road supervisor or Town Board to protect the new pavement.

P. Statutory Requirements.

The laying out of highways and roads shall be as provided in Chapters 80 and 86, Wis. Stats., except that in the case of subdivisions and certified surveys, the provisions of Sec. 236.29(2), Wis. Stats., shall apply.

Q. Final Inspection.

Upon completion of the proposed highway, the Town Board will proceed to make final inspection, accepting or rejecting the road as the case may be. After all of the provisions of this Chapter have been complied with, the roadway or easement will be inspected by the Town officials and, at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for or arrangements have been made for the payment through written instrument by the subdivider. If the road is rejected, corrections shall be made as recommended by the Town Board, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall turn over to the Town the deed of all land necessary for the road as previously mentioned.

7.0400 ROAD DESIGN STANDARDS

7.0401 Purpose

The purpose of this Ordinance is to establish road right-of-way standards, including, but not limited to, width, materials of construction, and drainage.

7.0402 Scope

To promote the public safety, general welfare and convenience, it is necessary that all streets and roads hereafter constructed in the Town of Brazeau, Oconto County, Wisconsin shall meet all the requirements as provided in this ordinance and failure to do so shall prohibit the Town Board from accepting any portion of such road and shall prohibit the Town of Brazeau from expending any funds on said road for maintenance purposes.

7.0403 Road Construction Standards

All roads proposed and/or existing private roads that are to be donated or given to the Town of Brazeau shall conform to the following.

- A. The minimum width of a right-of-way shall be 66 feet (4 rods), roadway width shall be 30 feet, surface width shall be 22 feet, and maximum grades shall be 8% to 11%. No road shall be terminate without provisions for a cul-du-sac (turn around) with a minimum width of 70 feet.
- B. Right-of-Way Construction. All trees, stumps, brush or obstacles shall be removed from the entire width and length of right of way.
- C. In sand, mud, and other unstable areas there shall be enough pit run, dirty gravel, and like material to be inspected by the Town Board before finish gravel can be applied.
- D. Road Way Width. Roadway width shall be 30 feet, surface width to be graveled shall be 22 feet.
- E. Road Way Materials. The driving portion of the road way shall be surfaced with at least 2,200 yards of crushed gravel per mile.
- F. Culverts. All roads intersecting other roads shall have a culvert of a size to be determined by the Town Board.
- G. Blacktop/Asphalt Required. Blacktop/asphalt shall be laid in two lanes, surface shall be 22 feet and compacted to 2¼ inches.
- H. Bridge Standards. The Town Board shall establish by rule uniform minimum design standards for the improvement of town road bridges.
- I. The Town Board can reduce the minimum standards of town roads and bridges as warranted.

7.0404 Town Board Approval

Upon completion of proposed road, the Town Board will proceed to make final inspection; accepting or rejecting road as the case may be. If road is rejected, then corrections must be made as recommended by the Town Board before final inspection can then be made again.

7.0500 CULVERTS

7.0501 Intent

It is the intent of this ordinance that the Town of Brazeau shall not provide culverts to individuals at the Town's expense.

7.0502 Exception

Except that if reconstruction of roadways is done by the Town of Brazeau or if a culvert is damaged by the Town of Brazeau, the culvert shall be replaced at the Town's expense.

7.0600 ROAD EXCAVATION

7.0601 Permit Required

- A. No person, company, LLC, utility or corporation, or their agents or employees or contractors shall make or cause to be make any opening, excavation, or boring, or place/relocate/replace any utility structure or pole, sanitary lateral or thereof; in or under any public street, public road/highway, public lane, right-of-way, public ground or town owned easement or fill or alter any culvert or construct or install additions or extensions to its existing facilities within the Town of Brazeau without a permit application filed therefore with the Town Chairperson or Town Clerk, or their designee.
- B. The utility or contractor shall submit to the town a written request for a utility construction/street-road excavation permit and a plan of the proposed alteration, coring, extension or addition, showing its location and details of construction, including specified depth, method of excavation, open our or auguring, provisions of restoration and whatever the town would deem necessary for review and consideration.

7.0602 Cash Bond

Before a permit of excavation, boring or opening any road/highway/street/lane or public way be issued, the applicant must provide a signed statement in that he/she will indemnify and save harmless the Town of Brazeau and it officials from all liability for accidents and damage caused by any of the work covered by he/she "work on town road" permit and that he/she will fill up and place in good and safe condition all excavation and openings made in the road/highway/lane, etc. and will replace and restore the pavement over such opening; making it as near as can be to the state and condition in which he/she found it and keep and maintain the same in such condition, normal wear and tear exempted, to the satisfaction of the town board.

Whenever the town board shall find that such work has been defective upon notification of completion from such excavator/contractor and such road/highway/street etc. is not restored as required, the town board will/shall restore the surface and bill the permittee therefore the cost thereof less the five hundred (\$500.00) cash bond (refer to the Town of Brazeau Fee Schedule).

7.0603 Emergency Excavation

In the event of an emergency, any person, firm or corporation owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public road/highway/street, easement, way or ground and his/her agents and employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation-permit to work on town road; however, town board member should be notified of such action.

7.0604 Protection of the Public

Every opening and excavation shall be enclosed with sufficient barriers, sufficient

warning signs, warning lights, etc. exercising necessary precaution measures against injury or damage to persons, vehicles or property of any kind.

7.0700 RESERVED

7.0800 RESERVED

7.0900 RESERVED

7.1000 RESERVED

7.1100 RESERVED

7.1200 RESERVED

7.1300 EFFECTIVE DATE

Following passage by the Town Board, the *Code of General Ordinances of the Town of Brazeau, Oconto County, Wisconsin* shall take effect the day after the date of publication or posting as provided by s. 60.80, Wis. Stats.

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF BRAZEAU
OCONTO COUNTY, WISCONSIN**

CHAPTER 8: RECYCLING

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CHAPTER 8: RECYCLING

8.0100 RESPONSIBLE UNIT RECYCLING

8.0101 Purpose

The purpose of this ordinance is to promote recycling, composting, and Resource recovery through the administration of an effective recycling program, as provided in s. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

8.0102 Authority

This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats., and s. 60.10, Wis. Stats.

8.0103 Abrogation and Greater Restrictions

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

8.0104 Interpretation

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

8.0105 Applicability

The requirements of this ordinance apply to all person with the Town of Brazeau.

8.0106 Administration

The provisions of this ordinance shall be administered by the Town of Brazeau.

8.0107 Definitions

For the purpose of this ordinance.

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

“Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.

“Foam polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

1. Is designed for serving food or beverages.

2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

“Glass Container” means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.

“HDPE” means high density polyethylene, labeled by the SPI code #2.

“LDPE” means low density polyethylene, labeled by the SPI code #4.

“Magazines” means magazines and other materials printed on similar paper.

“Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

“Multiple-family dwelling” means a property containing five (5) or more residential units, including those which are occupied seasonally.

“Newspaper” means a newspaper and other materials printed on newsprint.

“Non-residential facilities and properties” means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.

“Office paper” means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

“Other resins or multiple resins” means plastic resins labeled by the SPI code #7.

“Person” includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

“PETE” or “PET” means polyethylene terephthalate, labeled by the SPI code #1.

“Plastic container” means an individual, separate, rigid plastic bottle, can, jar, or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

“Postconsumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.02(10)., Wis. Stats.

“PP” means polypropylene, labeled by the SPI code #5.

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

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

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

“Solid waste” has the meaning specified in s. 289.01(33), Wis. Stats.

“Solid waste facility” has the meaning specified in s. 289.01(35), Wis. Stats.

“Solid waste treatment” means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. “Treatment” includes incineration.

“Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

“Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

8.0108 Separation of Recyclable Materials

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

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

8.0109 Separation Requirements Exempted

The separation requirements of Section 8.0108 do not apply to the following:

- A. Occupants of single family and 2-to-4 unite residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 8.0108 from solid waste in as pure a form as is technically feasible.
- B. Solid waste which is burned as a supplement fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplement fuel.
- C. A recyclable material specified in Section 8.0108(E) through (O) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or NR 544.14, Wis. Administrative Code.

8.0110 Care of Separated Recyclable Materials

To the greatest extent practicable, the recyclable materials separated in accordance with Section 8.0108 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

8.0111 Management of Lead Acid Batteries, Major Appliances, Electronics, Waste Oil & Used Oil Filters, and Yard Waste

Occupants of single family and 2-to-4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, electronics, waste oil & used oil filters and yard waste as follows:

- A. Lead acid batteries shall be taken to a retailer that sells these types of batteries.
- B. Major appliances and electronics shall be dropped off at the Town of Brazeau Recycling Center by paying the appropriate fee to the Recycling attendant at the time of drop off. (Refer to the Town of Brazeau Fee Schedule)
- C. Waste oil shall be dropped off at the Town of Brazeau Recycling Center by depositing in appropriate container and registering upon the log. Used oil filters shall be placed in appropriate receptacle at the Town of Brazeau Recycling Center.
- D. Yard waste consisting of yard clippings, tree branches and brush shall be dropped off at the Town of Brazeau Leaf & Brush site located at corner of Parkway Road and County G on the appropriated dates approved by the Town of Brazeau Town Board annually.

8.0112 Preparation and Collection of Recyclable Materials

Except as otherwise directed by the Town of Brazeau Board, occupants of single family and 2-to-4 unit residences shall do the following for the preparation and collection of the separated materials specified in Section 8.0108(E) through (O):

- A. Aluminum, steel and bimetal cans shall be: clean, rinse, and flatten if possible space savings
- B. Glass containers shall be: clean, rinse and remove rings and caps
- C. Corrugated paper or other container board shall be: flatten
- D. Magazines, newspaper, & office paper shall be loose
- E. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS shall be: clean, rinse, caps and rings removed, and flatten if possible space savings
- F. Aluminum materials, steel, galvanized and other scrap metals may be dropped off at the Town of Brazeau Recycling Center
- G. Waste tires shall be dropped off at the Town of Brazeau Recycling Center by paying the appropriate fee to the Recycling Attendant at the time of drop off. (Refer to the Town of Brazeau Fee Schedule)

8.0113 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings

- A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 8.0108(E) through (O):
 - 1. Provide adequate, separate containers for the recyclable materials.
 - 2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - 3. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - 4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing, requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in Section 8.0113(A) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 8.0108(E) through (O); from solid waste in as pure a form as is technically feasible.

8.0114 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties:

- A. Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 8.0108(E) through (O):
 - 1. Provide adequate, separate containers for the recyclable materials.
 - 2. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - 3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - 4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operations, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in Section 8.0114 (A) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 8.0108(E) through (O) from solid waste in as pure a form as is technically feasible.

8.0115 Prohibitions on Disposal of Recyclable Materials Separated for Recycling

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 8.0108(E) through (O) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

8.0116 Prohibition of Dumping

It shall be unlawful for any person to dispose of or dump garbage in any street, road, lane, ditch, or other public place within the Town of Brazeau. It shall be unlawful for any person to dispose of or dump garbage or recyclable on private property unless the property is a licensed landfill.

8.0117 Enforcement

- A. For the purpose of ascertaining, compliance with the provision of this ordinance. Authorized officer, employee or representative of the Town of Brazeau Town Board may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas for multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when

necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Brazeau board who request access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

- B. Any person who violates a provision of this ordinance may be issued a citation by Town of Brazeau board. The issuance of a citation 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 under this paragraph.

8.0118 Penalties

General penalties for each of the following violations of this ordinance may be assessed a dollar amount as established by the Town Board (refer to the Town of Brazeau Bond Schedule) from year-to-year:

- A. First Violation
- B. Second Violation
- C. Subsequent Violations within the same calendar year

8.0119 Severability

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

8.0200 RESERVED

8.0300 RESERVED

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF BRAZEAU
OCONTO COUNTY, WISCONSIN**

CHAPTER 9: LAND USE AND ZONING

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CHAPTER 9: LAND USE AND ZONING

9.0100 COMPREHENSIVE PLAN

The *TOWN OF BRAZEAU, OCONTO COUNTY, WISCONSIN 20-YEAR COMPREHENSIVE PLAN*, prepared and adopted pursuant to s. 66.1001, Wis. Stats., is hereby incorporated by reference and made a part hereof and all land use within the Town of Brazeau shall be consistent therewith. The comprehensive plan shall be modified or amended under the provisions of s. 66.1001 Wis. Stats.

9.0200 GENERAL ZONING

Pursuant to the Town's General Zoning Authority under the provisions of s. 60.61, Wis. Stats, the Town of Brazeau has adopted and incorporates herein by reference the *OCONTO COUNTY ZONING ORDINANCE, CHAPTER 14 OF THE OCONTO COUNTY CODE*.

9.0300 RESERVED

9.0400 RESERVED

9.0500 RESERVED

9.0600 RESERVED

9.0700 EFFECTIVE DATE

Following passage by the Town Board, the *Code of General Ordinances of the Town of Brazeau, Oconto County, Wisconsin* shall take effect the day after the date of publication or posting as provided by s. 60.80, Wis. Stats.

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF BRAZEAU
OCONTO COUNTY, WISCONSIN**

CHAPTER 10: RESERVED

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**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF BRAZEAU
OCONTO COUNTY, WISCONSIN**

CHAPTER 11: EMERGENCY SERVICE PROTECTION

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CHAPTER 11: EMERGENCY SERVICE PROTECTION

11.0100 RESERVED

11.0200 RESERVED

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11.0400 RESERVED

11.0500 FIRE DEPARTMENT ORGANIZATION

11.0501 Goals of Fire Department Program

- A. The primary objective of the fire department program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires, explosions motorized vehicle incidents.
- B. The second objective of the fire department program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of residences, farms, businesses, etc.
- C. The third objective of the fire department program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection, regardless of location or monetary value.

11.0502 Fire Department Constitution and By-Laws

The Fire Department is authorized and directed to adopt a constitution and by-laws for the control, management, government and regulation of its business and proceedings. Said constitution and by-laws shall become effective and operative after adoption of a two-thirds (2/3) vote of the members of the Fire Department. All amendments shall be similarly adopted and approved by the Town of Brazeau board. (By-Laws on file)

11.0503 Town of Brazeau Town Board to Authorize:

- A. Authorization: The Town of Brazeau Town Board shall provide such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiently and to properly protect life and property from fire.
- B. Other use. No apparatus shall be used for any purpose except for firefighting within the Town of Brazeau and such townships under contract, or in training therefore, except pursuant to an agreement approved by the Town of Brazeau Board after the Fire Chief has given his/her recommendations on such use. With the approval of the Fire Chief, such apparatus may be used for emergency purposed other than firefighting within or out of the town.

11.0504 Department Organization

- A. The Fire Department is a department of the Town of Brazeau for the

prevention and control of fire.

- B. The Fire Chief shall be approved by the Town of Brazeau Board following election by firefighter members. Upon execution of oath he/she will undertake the duties of office.
- C. The Fire Chief is granted the power of appointing or by election; the officers of the Fire Department. The Town of Brazeau board is responsible for setting the salaries for the Fire Chief and officers of the Department, and for setting the budget of that Department.
- D. The Fire Chief shall be resident of the Town of Brazeau. Assistant Chief, Captains, lieutenants, and Secretary-Treasurer may be residents of the Town of Brazeau or the surrounding service area.
- E. Chain of Command
 - 1. The Fire Chief shall be responsible for the overall operation and administration of the Fire Department. The Fire Chief shall carry out policy set by the town board and shall report directly to the town Chairperson or his/her designee. The Fire Chief or designee shall report to the town board on matters pertaining to the Fire Department and personnel.
 - 2. Assistant Chief is second in command.
 - 3. Captain is next rank of command.
 - 4. Lieutenant is the fourth rank of command.
 - 5. Firefighter is the fifth rank of command.
 - 6. Fire Chief sees overall operation of Ambulance and Dive divisions in the Town of Brazeau.

11.0505 Fire Inspection Duties/Compensation

- A. The Fire Chief, or the Chiefs designee, shall be the Fire Inspector of the Town of Brazeau, and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Commerce, particularly s. 101.14, Wis. Stats.
- B. While acting as Fire Inspector pursuant to s. 101.14(2), Wis. Stats., The fire Chief, or officer/member of the Brazeau Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Town of Brazeau of towns it serves, at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she may deem necessary. Should the fire inspector find that any provisions of this code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions be not complied with, to report such

noncompliance to the Town of Brazeau Town Board for further action.

- C. The Fire Chief or designee is required to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in twelve (12) months in all of the territory served by the Fire Department, or oftener as ordered by the Chief of the Fire Department.
- D. Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Commerce. A copy of Fire Inspectors Handbook is hereby adopted as part of this Code of Ordinances by reference. *State Law Reference: Sec 101.14(2), Wis. Stats.*
- E. In addition to requirements, s. 101.14, Wis. Stats.; a fire department shall provide fire education services.

11.0506 Fire Department Charges

- A. Section 1 - State Authority
Pursuant to § 60.55 and 60.555. Wis. Stats., the Town of Brazeau hereby established the following policy and procedure for the payment of fire costs incurred by the Town of Brazeau.
- B. Section 2 - Liability for Fire Protections Costs
The Town of Brazeau Volunteer Fire Department and the Town of Brazeau will charge a fee (refer to the Town of Brazeau Fee Schedule) to be billed to responsible party's insurance.
- C. Section 3 - Liability for Fire Calls from the Fire Departments other than authorized fire departments
It is the policy of the Town of Brazeau to contact with the fire department listed in Section 2 above. Any property owner requesting protection directly from any fire department other than listed in Section 2, shall be responsible for the full costs billed to the town from the fire call from any authorized fire department. This section shall not apply to the costs of any other department responding at the request of an authorized department under mutual aid.
- D. Section 4 - Billing and Payment Procedure
The costs of fire calls shall be billed by the Town Clerk-Treasurer to the insurance carrier if advised and to pay the Town Clerk-Treasurer within sixty (60) days of the date of the bill. The failure to pay the bill within sixty (60) days will result in interest being charged at the rate of one and one-half (1 1/2) percent per month from the date of the bill. Pursuant to s. 66.60 Wis. Stats.

E. Section 5 - Separability of Provisions

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

11.0507 Fire Department Service Aid Agreements

Adopt by reference Wis. Stats. §101.575 (6)(b), 101.575 (5), 101.575 (1)(c) any town that contracts for fire protection service shall give dues received under Wis. Stat. § 101.573 and this section to the fire department, providing the fire protection service The fire department shall use those dues for any of the purposed specified in cross reference Ch. SPS 14 Wis. Adm. Code.

11.0600 EMERGENCY MEDICAL SERVICES (AMBULANCE)

11.0601 Purpose/Scope:

Brazeau Emergency Medical Services (Ambulance) is officially recognized as the emergency medical services of the Town of Brazeau, and the duties of Emergency Medical in the Town of Brazeau are delegated to such department.

- A. Ambulance By-Laws: The Brazeau ambulance shall adopt by-laws for its control, management, government and for regulating the business and proceedings of the department. By-Laws, adopted by members of the department shall be approved by the Town of Brazeau board. Amendments shall be adopted in same manner. (By-Laws on file)
- B. The Town of Brazeau board is responsible for setting the salaries for the Ambulance Department officers and for setting the budget of that Department. The officers shall be President, Vice President, Secretary-Treasurer, Training Officer and Supply Designee.
- C. Powers & Duties: The President of the Ambulance Department shall have general supervision of the department. The supervision shall be subject to and not conflict with the By-Laws and state certification. The President shall be responsible for the personnel and general efficiency of the department. Matters of concern shall be communicated with Brazeau Fire Chief and Town of Brazeau Board.
- D. Medical Service Records: The President and designee shall keep and maintain records of every Emergency medical service call to which the department was dispatched, the locality of the call, the time received, cause of delay if any, equipment used, time call completed, names of EMT's responding, driver, observer or first responder, if applicable.
- E. Apparatus Control & Care: President of Ambulance Department shall have control of all apparatuses used by the department and shall be responsible for its proper maintenance. Emergency repairs/service shall be authorized by President of the Department. Use of apparatus shall not be used for any non-department related business.

11.0602 Lifequest

This Assignment, Assumption and Collection Services Agreement ("Agreement") entered into on first day of August, 2005, ("effective date") by and between the Town of Brazeau, and municipality duly organized and existing under the laws of the State of Wisconsin. ("Client"), Town of Brazeau Rescue Squad a/k/a ambulance, organized and existing under the laws of state of Wisconsin. ("Service Provider") and Lifeline Systems Inc., d/b/a Lifequest, a corporation duly organized and existing under the laws of the state of Wisconsin. Lifequest is licenses by the Department of Financial Institutes, which means they are fully insured and Bonded. Lifequest bills Medical Assistance, Medicare and NEIC participating insurance companies via an electronic claims submission.

11.0603 Ambulance Service Aid Agreements

Held currently with Town of Bagley and Town of Beaver.

11.0700 DIVE TEAM ORGANIZATION

11.0701 Intention

It is the intention of the Town of Brazeau Dive Team to establish a policy so that new and current members of the team understand how the team is organized and what duties and functions are expected of each member.

11.0702 Administrative

The Town of Brazeau Dive Team operates under authority of the Town of Brazeau Board. In the event of a rescue or training mission the Oconto County Sheriff may assist in the command of the Town of Brazeau Dive Team. All day to day tasks such as training, budgeting, equipment and vehicle maintenance, equipment inventory, screening new applicants, field operations, will be carried out under the command of the Captain/Co-Captain who shall be chosen by a majority vote of the Town of Brazeau Dive Team membership exercised by secret ballot. This election will be held annually at a regularly scheduled meeting in December and the finalized results will be announced at the Regular Town of Brazeau Board meeting scheduled in January. Captain/Co-Captain shall hold staggered terms to sustain leadership. Other administrative leadership such as secretary/treasurer elected annually. In circumstances where the Town Board feels the Dive Team is being mismanaged or statutory laws are being violated; the Town Board may intervene and replace leadership as it feels necessary until the next regularly scheduled election of officers.

11.0703 Basic Diver Requirements

- A. Trained in surface support
 - 1. Certification as a Public Safety Diver and or PADI
 - 2. Training in full-face mask and underwater search and recovery
 - 3. Dive Rescue I certification (will be given adequate time to obtain)
 - 4. Certification in Basic Diver, Dive Rescue II or PADI: advanced open water (up to 60 feet), advanced open water diver (up to 130 feet), ice diver, rescue diver.
 - 5. Lift work
- B. Membership. New Members: To join the Town of Brazeau Dive Team you must meet the following requirements:
 - 1. Must be at least 18 years of age
 - 2. Good physical condition
 - 3. Be certified or certifiable as a scuba diver
 - 4. Own your own, or have provided for you, Brazeau owned diving equipment, which meets specifications set forth by the Town of Brazeau Dive Team
 - 5. No prohibitive criminal convictions or pending charges

6. Evidence of being a public safety employee
 7. Receive approval from the Town of Brazeau Board
 8. Be a member in good standing of either the Brazeau Fire Department or Brazeau Ambulance Service
 9. Should you be a member of an area Fire Department or Ambulance Department, a signed MEMORANDUM OF AGREEMENT must be on file between the municipality and the Town of Brazeau Board
- C. Application Process. The process required of those who wish to join the Town of Brazeau Dive Team.
1. You must submit an application to the Town of Brazeau Dive Team Captain/Co-Captain who accepts applications at his/her determination. Submit with the application a medical history questionnaire; signed by a physician indicating no physical defects incompatible with diving.
 2. If approved for membership, you will be required to own or will be provided with, equipment specified by the Town of Brazeau Dive Team (mask, fins, snorkel, etc.). All equipment records will be kept with the Town of Brazeau Dive Team to include purchase details and timeline as well as maintenance records. Records are required to support insurance claims in case of loss or damage, or membership termination.
 3. The Town of Brazeau will provide all other items needed for diving. You will not be allowed to participate in any Town of Brazeau Dive Team missions or activities until you have received training in these areas. This training includes:
 - (a) Open water diving
 - (b) Advanced open water diving
 - (c) Ice diving
 - (d) Rescue and recovery(The Town of Brazeau Dive Team Captain/Co-Captain must approve all training Dives)
- D. Probationary Period.
Each newly accepted team member will be placed on a one-year probationary period, during which time the new member must complete all required basic training and participate fully in team activities. At any time during the probationary period, the new member may be dropped from the team with just cause. At the end of the probationary period the Town of Brazeau Dive Team Captain/Co-Captain will evaluate your performance.
- E. Inactive Membership
1. Due to the serious mission of the Town of Brazeau Dive Team, it is

felt that placing members on inactive status is counterproductive to accomplishing Town of Brazeau Dive Team goals. As such, if you feel that you will no longer be able to participate in the Town of Brazeau Dive Team activities, you will be required to resign from the team. If, at a later time, you feel that you will be able to commit to the Town of Brazeau Dive Team, you may reapply for membership.

2. Whereas a Brazeau Dive Team member amasses four (4) consecutive unexcused absences from scheduled business meetings and scheduled trainings, the member is to be contacted by the Captain and/or Co-Captain and membership status will be reviewed. If a member does not attain the minimum number of attendance points during the year, the member is to be contacted by the Captain and/or Co-Captain and membership status will be reviewed. Business meeting attendance, training dive attendance and attendance points are all considered substantial activities to maintaining Brazeau Dive Team active membership. To that end, the Captain and Co-Captain shall, at their discretion, recommend to the Town of Brazeau Town Board any of the following remedies: take no disciplinary action, demote, expel, or terminate any officer or member of the Brazeau Dive Team for: conduct detrimental to team safety. Final disciplinary action is determined by the Town of Brazeau Town Board."

F. Conduct Unbecoming

Additionally, every member of the Brazeau Dive Team is expected to operate in a highly self-disciplined manner and is responsible for conducting his or her own behavior in a positive, productive, and mature way while representing the Brazeau Dive Team. Conduct unbecoming a member will include that which brings the department into disrepute, or reflects discredit upon the member, or their integrity as a member of the department, or that which impairs the operation, efficiency, or safety of the department or member, or that which violates the public trust in the public safety provider or department. The Captain and Co-Captain shall then recommend to the Town of Brazeau Town Board any of the following remedies: take no disciplinary action, demote, expel, or terminate any officer or member of the Brazeau Dive Team for conduct unbecoming a member. Final disciplinary action is determined by the Town of Brazeau Town Board.

G. Diving for Hire

If a member of the Town of Brazeau Dive Team decides to dive for hire, it must be done under the following understanding: No equipment owned by the Town of Brazeau Dive Team will be used by any member, while diving for personal gain. While diving for personal gain, members should not represent themselves as diving for Town of Brazeau Dive Team. If members are going to dive for personal gain, they must understand the Town of Brazeau will not cover, be responsible for, issue payments, or otherwise be held liable, for issues of, but not limited to, insurance,

workman's compensation and any other benefits.

H. Diving for Recreation

Members of the Town of Brazeau Dive Team are prohibited from utilizing Town of Brazeau owned Dive Equipment for personal recreation diving (i.e., vacations).

1. Unscheduled training dives should be conducted within the bounds of the Town of Brazeau Dive Team's response district, unless otherwise approved by the Captain and Co-Captain.
2. Divers are encouraged to enhance their dive abilities by practicing outside of scheduled dive training events but preference for dive location should be within the response district

I. Leadership Role Requirements

The Town of Brazeau Dive Team leadership team will consist of a Captain and Co-Captain, Secretary/Treasurer. To engage in a leadership role you must be a Municipal Fire Department or Ambulance Department member for a least two years and a Town of Brazeau Dive Team participant for at least one year. (This date shall be the date when the Town of Brazeau Board approves membership.)

J. Leadership Compensation

Captain, Co-Captain, and Secretary/Treasurer compensations determined by Town Board resolution.

K. Equipment Incentive

Any and all equipment that was previously agreed to vest to a diver at the completion of five (5) years of service to the Town of Brazeau Dive Team, will become the property of the diver.

1. This executed agreement supersedes previously executed operating agreements for the Town of Brazeau Dive Team
2. Divers whose equipment was purchased under the previous "5 Year Equipment Agreement" and within the timeframe bounds of the 5 Year agreement, can choose from two options:
 - (a) Take a monthly prorated buyout amount for their present equity position (1 mo = \$16.67) with Town of Brazeau Dive Team taking full ownership of equipment.
 - (b) Keep the equipment per the 5 year equipment agreement and all annual compensation be applied to equipment value balance until the balance is reduced to zero (0). The equipment would then become property of the individual diver.
 - (1) All purchases will have prior acceptance from the Town of Brazeau Dive Team Captain/Co-Captain.
 - (2) All purchased equipment will remain on site in the dive

trailer/van which currently is housed in the town's highway building.

- (3) All equipment purchased after the execution of this agreement and with Town of Brazeau Dive Team funds will remain property of the Town of Brazeau.
- (4) If a diver chooses to leave the dive team or are unable/unwilling to dive before the five years has expired, the diver and the Town of Brazeau Dive Team Captain/Co-Captain will review equipment purchase and maintenance records to determine the appropriate amount of equipment that is Town of Brazeau property. Thus the equipment will then remain with the town or the diver will have to pay the equipment value to the Town of Brazeau.
- (5) No divers will receive any funding to be used for equipment money unless:
 - They are up to date on all their dive training
 - Reside within pager range of the Town of Brazeau
 - If there are unique circumstances, the Town Board may express consideration
- (6) Each diver must regularly inspect and maintain their equipment to make sure it is in proper working condition.
- (7) Divers agree to dive regularly (minimum of 12 team training dives annually; each dive requiring two (2) Brazeau Dive Team members at minimum) to stay in good standing. Exceptions will be made in the months where unsafe dive conditions exist, such as: poor ice, prolonged bad weather, etc.

L. Diver Compensation

Brazeau Dive Team members will utilize a point-based system to track participation in business meetings and monthly training dives. At the end of the fiscal year, divers will receive a monetary payment determined by the number of points that accrued throughout the fiscal year.

1. One (1) point will be awarded for business meeting attendance.
2. Three (3) points will be awarded for scheduled training attendance.
3. Each point will be worth a dollar amount established by the Town Board (refer to the Town of Brazeau Fee Schedule).
4. There will be minimally 24 scheduled events at which divers can earn points.
 - (a) 12 monthly business meetings.
 - (b) 12 monthly team trainings.

5. Minimum qualification for compensation will require 28 points annually.
6. Points will be monitored quarterly and reviewed annually by the Captain and Co-Captain.
7. Emergency dispatch calls outside of our response district will be worth two (2) points per on-scene hour starting from time of dispatch.
8. Diver at the end of the fiscal year with the most points will be awarded a \$50 pre-paid debit card.
9. ½ point is awarded for excused absences. (i.e., work, medical apt, personal emergency, or determined as excused by Captain and Co-Captain)

M. Disclaimer

This operating agreement (wherein and hereafter referred to as "the agreement") shall serve as binding between the individual diver, Town of Brazeau Dive Team, and Town of Brazeau municipality. The agreement is subject to change should the Town of Brazeau Supervisors and Dive Team leadership require new language be adopted. Further, if one clause of this agreement is found to be unlawful the remaining clauses shall remain in effect.

11.0704 Dive Service Agreement with Oconto County

- A. Purpose. The purpose of this agreement is to establish the terms and conditions by which the County may request aid and assistance from the Town Dive Team in responding to an emergency on the waters located within the geographical boundaries of the County that exceeds the resources of available to the County under the circumstances of said emergency.
- B. Term of Agreement. This Agreement is effective on January 1, 2014. This Agreement shall remain in full force and effect until terminated by the parties. The Agreement may be terminated, without cause, by either party upon thirty (30) days written notice, which shall be delivered to the other party by hand or by certified mail sent to the address of the party set forth herein.
- C. Entire Agreement. This agreement consists of five (5) pages, plus Exhibit A, therein the parties hereto have identified their respective Authorized Representatives for the purpose of carrying out the terms of this Agreement, which represents the entire integrated Agreement between the parties and supersedes all prior negotiations, representations and agreements between the parties, whether written or oral. Agreement on file in Town of Brazeau Clerk-Treasurer office.

**11.0800 FIRE DEPARTMENT, AMBULANCE, DIVE TEAM FUND
ACCOUNTS MANAGEMENT**

11.0801 Authority

- A. Each respective department should have one fund account per s. 66.0608(2), Wis. Stats.
 - 1. The Secretary/Treasurer of the fire department to deposit donation funds for their department in an account in the name of the Town of Brazeau Fire Department. Authorizes the Town of Brazeau Fire Department Secretary/Treasurer to open one account in a public depository for the department.
 - 2. The Secretary/Treasurer of the rescue squad/ambulance to deposit donation funds for their department in an account in the name of the Brazeau Rescue Squad/Ambulance. Authorizes the Brazeau Rescue Squad/Ambulance Secretary/Treasurer to open one account in a public depository for the department.
 - 3. The Secretary/Treasurer of the dive team to deposit donation funds for their department in an account in the name of the Brazeau Dive Team. Authorizes the Brazeau Dive Team Secretary/Treasurer to open one account in a public depository for the department.
- B. Gives the town's fire department, rescue squad/ambulance, and dive team through each department's Secretary/Treasurer, exclusive control over the expenditures and revenues of volunteer funds for each department in an account per section 11.0801(A).

11.0802 Limitations/Requirements

- A. Authorizes the Town of Brazeau Fire Department Secretary/Treasurer, Rescue Squad/Ambulance Secretary/Treasurer, and Dive Team Secretary/Treasurer to write checks and withdraw funds not to exceed \$2,000.00 per item of purchase approved by their specified department members at a regular department meeting. Purchases exceeding \$2,000.00 require Town of Brazeau Town Board approval.
- B. Requires two signatures on all checks and savings withdrawals. Three (3) signatures cards must be on file with the public depository, one being an alternate.
- C. Requires bonding for anyone handling Brazeau Fire Department, Brazeau Rescue Squad/Ambulance, and/or Brazeau Dive Team funds.
- D. Requires Town of Brazeau Fire Department, Brazeau Rescue Squad/Ambulance, and Brazeau Dive Team Secretaries/Treasurers to submit a financial report, showing receipts, expenses, and account balances on a monthly basis.

**11.0900 LENGTH OF SERVICE AWARD PROGRAM,
FIREFIGHTERS & EMT'S**

11.0901 Purpose

The State of Wisconsin and the Volunteer Firefighters and Emergency Medical Technicians Service Award Board has designed a length of service award program, which allows private vendors to offer plans that provide benefits to volunteer firefighters and emergency medical technicians that render firefighting and emergency medical services to a municipality that participates in the Program Contribution: State of Wisconsin and the Town of Brazeau Board will match the annual contribution made by a municipality choosing to participate in the program on behalf of its volunteer firefighters and emergency medical technicians, up to a statutory maximum per individual.

11.0902 Standards

The Town of Brazeau agrees to the development standards for determining the service required of its volunteer firefighter and emergency medical technicians in order to qualify for annual contribution.

11.0903 Membership

Firefighter and emergency medical individuals must be active members in good standing.

11.0904 Merit Points

Departments will establish a point system which will be reviewed by the department body and Town of Brazeau board periodically.

11.0905 Loss of Membership Classification

Member failure to accumulate required merit points will be eligible for Length of Service contribution.

11.1000 MABAS REFERENCED AGREEMENT (*SIGNED 7-20-2011*)

11.1001 Purpose

The Wisconsin Statute §66.0301(2) authorizes any municipality to contract with other municipalities and with federally recognized Indian tribes and bands in this state for the receipt or furnishing of services, such as fire protection and emergency medical services. Such a contract may be with municipalities of another state, as provided in Wisconsin Statute §66.0303(3)(b).

11.1002 Scope

The Wisconsin Statutes §323.13, provides that the standards for fire, rescue and emergency medical services shall include the adoption of the intergovernmental cooperation Mutual Aid Box Alarm System (MABAS) as a mechanism that may be used for deploying personnel and equipment in a multi-jurisdictional or multi-agency emergency response throughout Wisconsin and neighboring states.

A. The Attorney General of the State of Wisconsin must approve any

agreement between a Wisconsin municipality and a municipality of another state, and said agreement was approved by the Attorney General of the State of Wisconsin on December 22, 2000.

- B. Agreement submitted to the governor of the State of Wisconsin for his concurrence, adopted under Wisconsin Statute 66.0303(3)(a) and (b).
- C. Thus intergovernmental cooperation for purposes of public safety and protection should be encouraged and that the Mutual Aid Box Alarm (MABAS) Agreement benefits to county residents by coordinating fire protection and emergency medical services.

11.1100 OCONTO COUNTY MUNICIPAL INTERGOVERNMENTAL FUNCTIONAL COLLABORATION AGREEMENT

11.1101 Purpose

Agreement is to enhance the provisions of fire protection services, rescue, emergency medical or other emergency services in Oconto County. The parties acknowledge that greater protection can be secured through their joint and mutual cooperation.

11.1102 Definitions

For the purposes of this agreement, the following terms shall be defined as follows:

- A. "Administrative Services" means those services or activities involved in administering firefighters, rescue or emergency medical services, including but not limited to records, employment issues, and information management
- B. "Agreement", "Master Agreement" and "Master Collaboration Agreement" means this agreement
- C. "Incident Commander" means each party's Incident Commander, from each responding jurisdictional agency or designee
- D. "Official in Charge" means each party's presiding Chief Official (Fire Chief, EMS Service Director, President, Chairman), from each responding jurisdictional agency within Oconto County
- E. "MABAS" or "Mutual Aid Box Alarm System region" means the Wisconsin Emergency Management regional area as identified by the Adjutant General under Wis. Stats. §166.03(2)6. (b)1.
- F. "Non-recurring" means not occurring or expected to occur on a frequent periodic or scheduled basis
- G. "Operational Services" means those services or activities that are directly related to firefighting, rescue and emergency medical services, including but not limited to suppression, rescue and ambulance services.
- H. "Parties to this Agreement" ("parties") means a unit of local government or including but not limited to a county, city, village, town, Indian tribe or band recognized by the State of Wisconsin, an intergovernmental commission created under Wis. Stats. §66.0301, a fire company created under Chapter 213, Emergency Medical Services Chapter 256, and Chapter 181 Wisconsin Statutes, or such entity as is a Party to the regional Mutual Aid Box Alarm System (MABAS) agreement and which has been appropriately authorized by the governing body to enter into this agreement
- I. "Support Services" provided a separate MOU is executed under this Agreement, means those services or activities supporting the firefighting, rescue and emergency medical services, including but not limited to vehicle mechanics and maintenance, training, education and prevention.

- J. "Training" provided a separate MOU is executed under this Agreement, means the regular and scheduled practice of emergency procedures, tactics or guidelines during non-emergency drills.

11.1103 Authorization

- A. Official in Charge to take all actions lawful and necessary to implement collaboration of operational services
- B. Official in Charge is to enter into negotiations with such other parties to collaborate on opportunities available for ongoing administrative and support functions. Collaborative efforts pertaining to ongoing administrative and ongoing support functions shall be executed as a Memo of Understanding (MOU) between the participating Parties. Such MOU, once approved by the parties thereto in such manner as determined by those parties, shall become addenda to this agreement
- C. No entity may be a party to a MOU without being a party to the agreement. MOU's entered into under this agreement remain in force until they expire as provided in the MOU.
- D. The following activities are hereby expressly authorized under the agreement. However, this agreement is intended to be liberally interpreted to include other services, activities or operations that are currently provided or which may be provided in the future and may be further defined by an accompanying MOU.

11.1104 Personnel and Equipment

Equipment and personnel may be used collaboratively as follows:

Personnel shall remain employees of the respective parties. Personnel shall report for direction and assignment during such function to the Incident Commander or designee in charge of the function. The Incident Commander is authorized to delegate any and all authorities as required to implement the utilization of personnel under this agreement. Equipment shall remain the property of the respective parties.

11.1105 Compensation

Except as provided herein, no compensation or other consideration shall be exchanged between the parties for the use of personnel or equipment of another party for operational and non-recurring administrative and support functions. However, if one party requests the other party enter into an MOU regarding payment of compensation for such personnel or equipment and the other party refuses to do so, the Party seeking the MOU may refuse to provide the requested personnel or equipment. This paragraph is not intended to cover requests for reimbursement for consumables used or reimbursement for damage to equipment. Nothing herein shall operator to bar recovery of funds from any state, private or federal agency.

11.1106 Insurance Requirements

Each party shall maintain insurance coverage during its participation in this agreement, as follows:

Each party shall procure, at its own expense, Workers Compensation insurance with a reliable insurance company satisfactory to the other participating party covering full statutory liability for injuries sustained by any of the agency or municipal employees under the Workers Compensation Act of the State of Wisconsin, and shall maintain such compensation insurance in full force and effect at all times while this agreement shall remain in force and not fully performed on its part. Public Liability insurance shall be carried. Minimum aggregate and occurrence coverage for the above-designated liabilities shall be as set forth by the respective individuals party(ies) based on what individual level of participatory services, task, or administrative cooperation they choose to participate; or the following minimum coverage, whichever is greater and most inclusive.

- A. Workers Compensation Statutory
- B. Employer's Liability \$500,000 each occurrence
- C. General Liability \$1,000,000 combined single limit
- D. Automobile Liability \$1,000,000 combined single limit

The parties agree to furnish each other as requested with certificates of insurance evidencing above-required coverage before implementing any collaborative relationship. Parties shall give thirty (3) days prior written notice of any proposed change in the provisions of the above-described policies, and immediate notification of any proposed cancellation of any of the above-described policies before the expiration date set forth in the certificate of insurance.

11.1107 Indemnification and Waiver of Claims

Each party agrees to indemnify and hold harmless the other parties from and against any and all liabilities, losses, damages, demands, claims, suits, costs and expenses, including actual legal fees and other expense of litigation (collectively "Losses") for any and all injuries, diseases or death to the Party's employees and for all property damage sustained with regard to claims caused by or resulting from work, cooperative activities, services provided, or administrative decisions related to the cooperative activities undertaken herein except to the extent such Losses are attributable to the willful misconduct or gross negligence of the indemnified party. Nothing in this section or this agreement shall be interpreted to waive or in any manner adversely impact the municipal liability limitations found in Wis. Stats. §893.80 et seq. or the exclusivity provisions of Chapter 102 Wisconsin Statutes.

11.1108 Term of Agreement

The agreement shall not terminate except upon written consent of all parties. Any party wishing to withdraw from the agreement shall provide written notice thereof not less than twelve (12) months from the effective date of the withdrawal or length of existing MOU, whichever is later.

11.1109 Relationship Among Parties

This agreement has been entered into solely for the benefit of the parties hereto and is not intended to create an interest in any third party.

- A. The parties are independent entities in the performance of this agreement. No party shall act as agent for, or legal partner of, the other party for any purpose whatsoever, and the employees of one party shall not be deemed the employees of the other party. Nothing in this agreement shall be construed to grant either party the right to make commitments of any kind for, or on behalf of, any other party without prior written consent of the other party.
- B. This agreement shall not constitute, create, or in any way be interpreted as an intergovernmental body, commission, joint venture, legal partnership, or formal business organization of any kind. It is recognized by the parties to this agreement that implementation of some aspects of the agreement may require additional MOU's for implementation and no party to this agreement can guarantee that any such MOU will be obtained or will be successful when implemented. Except for the compensation which may be paid to the parties in accordance with any such MOU, each party shall bear all of its own expenses and liabilities incurred in connection with this agreement, including administrative expenses, employees' wages and benefits, defense costs, insurance, workers compensation and all other expenses incidental to the activities envisioned hereunder. This section shall not apply to reimbursement for consumables or reimbursement for damage to equipment or facilities.
- C. No publicity or advertising regarding this agreement shall be released without prior approval of the other parties, which approval shall not be unreasonably withheld.
- D. Parties are required to and shall, at its own cost and expense, apply for and obtain all necessary permits needed for its participation or its sponsorship of activity as may be required and conform strictly to the laws and ordinances in force in the locality where the collaborative effort is conducted including any Wisconsin Department of Natural Resources (DNR) requirements. Additionally, all parties shall each, at all times, be responsible for all safety requirements for the activities undertaken, including Wis. Stats. Sec. 101.055 and Occupational Safety and Health Act (OSHA) requirements. Each party shall remain responsible to provide all general written warnings, notifications and notices required under such laws to its employees.

11.1110 Dispute Resolution

All disputes between any two or more parties arising under this agreement shall be referred to either of the following:

- A. The MABAS Division 137 governing body for resolution whose decision shall be considered a final administrative decision for purposes of judicial review under Wis. Stats. Sec. 227.52. The By-Laws and Administrative

Procedure of Oconto County MABAS #137 as may be amended from time to time are incorporated by reference. A copy of such By-Laws as is current as of the date of this agreement is attached as Exhibit 1.

- B. If required by either party to the dispute, to mediation before a mediator jointly selected by the parties to the dispute. If the parties to the dispute cannot agree on a mediator, each party shall select a mediator and the mediators so selected shall name the mediator (which shall not be of the pool of mediators selected by the parties to the dispute). The cost of the mediation shall be borne by the party requesting mediation unless the terms under which the mediator agrees to be employed require otherwise. All legal procedures remain available to the parties to the dispute should mediation prove unsuccessful.

11.1111 General Provision

- A. All notices, requests, consents and other required communications shall be mailed, first class, postage prepaid, to each party at the address shown below the participant's signature.
- B. This agreement may not be assigned or otherwise transferred by any party, in whole or in part, without the express prior written consent of the other parties. No provisions of this agreement may be waived or modified except by a writing executed by all parties.
- C. IF any term, provision, covenant, or condition of this agreement is held to be invalid or unenforceable by a court of competent jurisdiction, it is to that extent deemed omitted and the remainder of this agreement shall continue in full force and effect.
- D. This agreement shall be governed and construed under the laws of the State of Wisconsin.

11.1112 Additions and Amendments

Additions (MOU's) to this agreement shall be attached in an orderly fashion and become part of the agreement as whole. All MOUs shall be agreed to in writing and must specifically spell out whom is included. The parties to each MOU shall provide notice thereof, including notice of any modifications thereof, to each party to this agreement. No amendment to the agreement shall be effective until signed by all parties to the agreement.

11.1113 Agreement Adoption

The original of this agreement together with such MOUs as may become part of this agreement, shall be kept on file in the Oconto County Clerk's Office.

So named Municipal Intergovernmental Functional Collaboration Agreement approved by adopted motion of the Town of Brazeau, Oconto County at a regular noticed meeting — August 19, 2014.

11.1200 2% DUES

11.1201 Definition

2013-2015 State budget laws, known as 2013 Wis. Act 20, modified the requirements for qualifying 2% dues payment.

- A. Local fire department must be in compliance with Wis. Stats §101.141.
- B. Keep records of fires and submit fire reports to US Fire Administration for inclusion in the National Fire Incident Reporting System.
- C. Local fire department chief and municipal clerk must self-certify with eligibility requirements.

11.1202 Computation

- A. Fire dues fund amount is subject to change based upon amount of fire insurance underwritten in Wisconsin in the year.
- B. The percentage each municipality received changes due to relationship between the growth of Local community and the overall growth within the state.
- C. The amount of disbursement is subject to change due to the hold-harmless provisions.

11.1203 Hold-Harmless

Hold-Harmless amount based on payment received calendar year 1979. Hold-Harmless insures each municipality never receives less than the amount received in 1979. For some municipalities the Hold-Harmless amount is higher than the current calculation and for some it is lower.

11.1204 Calculation

- A. Divide municipal equalized valuation of real estate improvements by the total state equalized Valuation of real estate improvements.
- B. Multiply the municipal percentage times the amount of funding available for distribution. Resulting number is current fire dues amount.
- C. Compare 1979 hold-harmless base of municipality. The larger of the two numbers is the current Fire Dues payment for the municipality.

11.1300 NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

11.1301 Purpose

The President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, Local and Tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity.

11.1302 Scope

The collective input and guidance from all Federal, State, Local and Tribal homeland security partners has been, and will continue to be, vital to the development of effective implementation and utilization of comprehensive NIMS. It is necessary and desirable that all Federal, State, Local and Tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management.

11.1303 Standards

To facilitate the most efficient and effective incident management it is critical that Federal, State, Local and Tribal organizations utilize standardized terminology, standardized organization structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualifications standards, uniform standards of planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters.

The NIMS standardized procedure for managing personnel, communications, facilities and resources will improve the Town of Brazeau's ability to utilize funding to enhance local and state agency readiness, maintain first responder safety and streamline incident management processes.

The Incident Command System components of NIMS are already an integral part of various incident management activities through the state, including current emergency management training programs; and the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

11.1304 Levels

- A. ICS-100 Introduction to ICS: required for elected or appointed officials, emergency service firefighters, law enforcement, public works personnel.
- B. ICS-200 Initial Action Incident: required municipal & emergency management as determined by municipality.
- C. ICS-400 required of fire chief and department heads and command staff.
- D. ICS-402 required for executives.
- E. ICS-700 National Incident management System Introduction: required for

elected or appointed officials, emergency service, firefighters, public works personnel.

- F. ICS-800 Personnel whose primary responsibility is emergency management training.

11.1400 RESERVED

11.1500 RESERVED

11.1600 RESERVED

11.1700 RESERVED

11.1800 EFFECTIVE DATE

Following passage by the Town Board, the *Code of General Ordinances of the Town of Brazeau, Oconto County, Wisconsin* shall take effect the day after the date of publication or posting as provided by s. 60.80, Wis. Stats.

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF BRAZEAU
OCONTO COUNTY, WISCONSIN**

CHAPTER 12: CEMETERY ORDINANCE

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CHAPTER 12: CEMETERY ORDINANCE

12.0100 CEMETERY ORDINANCE

12.0101 Title and Purpose

The title of this Ordinance is the “Town of Brazeau Cemetery Ordinance.” The purpose of this Ordinance is regulate the construction, management, operation and platting of cemeteries, the burial of human corpses, and other uses and activities in the town.

12.0102 Authority

The Town Board of the Town of Brazeau has the specific authority under s. 175.50(2), Wis. Stats. And general authority under its village powers under s. 69.22, Wis. Stats., to adopt this ordinance.

12.0103 Definitions

In this Ordinance:

“Burial” means entombment, inurnment, or interment.

“Cemetery” means any location for burial of human remains in the town.

“Human Remains” means the body of a deceased individual that is in any stage of decomposition or has been cremated.

“Lot” means a single grave within a block platted in accordance with Section 12.0105 of this Ordinance, whether or not occupied.

“Outer Burial Container” means any container that is placed or intended to be placed into the burial excavation of a grave and into which a casket is placed or intended to be place at the time of burial.

“Sexton” means a town employee or independent contractor employed or retained by the Town Board to administer, repair, maintain, manage, and operate a town cemetery or any part of the operations of a town cemetery consistent with this ordinance. In the event no person is specifically designated as “Sexton” by the Town Board, “Sexton” means any person or committee designated to act administratively and to manage, operate, maintain, and provide care for the town cemetery or any part of the operations or of any town cemetery pursuant to this ordinance.

“Town Cemetery” means a municipal cemetery owned, operated, and maintained by the Town of Brazeau, Oconto County, Wisconsin, under s. 157.50, Wis. Stats., that is located within the town.

12.0104 Statement of Policy

Every town cemetery is owned, operated, directly controlled, and maintained by the town for the benefit of all citizens. Person of all denominations of all religions, sexes, creeds, and races, shall be allowed to be buried in a town cemetery. This ordinance adopted pursuant to s. 157.50(2), Wis. Stats., governs the construction, management, administration, platting, maintenance, and operation of any town cemetery and of any new cemetery or expanded cemetery

of any other type in the town, including cemeteries operated by associations, religious orders and societies, and privately owned, controlled, operated and maintained cemeteries.

12.0105 Platting of New Cemetery Lots and New or Expanded Cemetery Operation

- A. Platting. Before any new section of any existing town cemetery or any other new or expanded cemetery in the town is opened for sale of cemetery lots for burial of human remains after the effective date of this ordinance, the Town Board or the Sexton for a town cemetery and any person or agent for any other cemetery in the town that is subject to s.157.065, Wis. Stats., shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for Oconto County, Wisconsin, in accordance with s. 157.065, Wis. Stats.
- B. Single grave section. The Town Board or Sexton shall designate, for any town cemetery, certain lots as a single grave section, and the lots within each grave section shall be platted and sold as single lots. Unused portions of grave sections repossessed under chapter 157, Wis. Stats. for nonpayment of assessments for care shall likewise be designated and sold as single grave lots.
- C. Purchase of new lands. The Town Board or the Sexton shall not purchase any land for cemetery purposes without approval of the electors of the town at a regular or special town meeting.
- D. New or expanded cemeteries. No person or authorized agent of any cemetery may construct, manage, plat, or operate any new or expanded cemetery of any type in the town, after the date of adoption of this ordinance, without written permit approval of the Town Board. Approval, approval on condition, or denial of a permit shall only be made after a public hearing with a class 2 notice under chapter 985, Wis. Stats. Any new or expanded cemetery to be approved by the Town Board shall be, at minimum, properly platted and filed with the Town Clerk-Treasurer and recorded in the Office of the Register of Deeds for Oconto County, Wisconsin. No cemetery shall be located, established, or dedicated, contrary to ss. 157.065 or 157.128, Wis. Stats. The minimum cemetery acreage must be at least 3.00 acres at platting dedication. No cemetery shall be located, established, or dedicated in violation of a town, county, or other zoning ordinance. The Town Board may require certain criteria be met for approvals of permits.

12.0106 Purchase of Lots in Town Cemetery

- A. Price of lots. The Town Board shall from time to time by resolution fix a price on all lots to be sold for burials in the town cemetery.
- B. Sale of lots.
 - 1. Persons, or their authorized agents, desiring to purchase a lot in any town cemetery for burial are referred to the Town Board, Town Clerk-Treasurer, or Sexton. The Town Board, Town Clerk-Treasurer,

or Sexton shall have available suitable plats showing size and price of lots, and any other information that may be required, and render assistance to those desiring to make lot purchases. The Town Board, Town Clerk-Treasurer, or Sexton shall issue a lot order for a selected lot to the prospective purchaser, or his or her agent, who shall present the order at the office of the Town Clerk-Treasurer. Upon receipt of proper payment to the Town Clerk-Treasurer, the Town Chair and Town Clerk-Treasurer shall issue a cemetery lot deed to the lot in the form prescribed by the town attorney. The original deed from the town and the records of the cemetery kept by the Town Clerk-Treasurer or other designee of the Town Board are the only evidence of title to any lot. The deed shall be signed by the Town Clerk-Treasurer and Town Chair or other persons so designated by the Town Board and sealed and acknowledged so as to entitle the purchaser to record the deed with the Register of Deeds for Oconto County, Wisconsin.

2. Persons conveying any cemetery lot in any town cemetery shall comply with s. 157.08, Wis. Stats., and this ordinance.

12.0107 Ownership Rights of Burial in Town Cemetery

A. Ownership conditions.

1. The owner of a town cemetery lot, or his or her authorized agent, shall have the right to use a lot or portions of a lot for burial purposes only in accordance with the terms of this ordinance or any town cemetery bylaws and regulations.
2. Upon full payment by any person of the purchase price of a town cemetery lot, the Town Clerk-Treasurer and Town Chair shall issue a cemetery lot deed, under seal, as provided in Section 12.0106(B), and a copy of the deed shall be filed in the records of the town as evidence of ownership of the lot. Lots for which lot deed have been issued by the town may not be subdivided except by consent in writing of the Town Board.
3. All reposessed vacant lots in any town cemetery when resold are subject to the same fees and charges as other unoccupied lots.

B. Burial.

1. In this subsection, “relative” means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law or sister-in-law, uncle or aunt, and nephew or niece.
2. Any lot owner at any town cemetery acquires the lot solely for the purpose of burial of the owner at the time of the owner’s death, and if the lot is owned jointly by spouses, either spouse is entitled to burial at that lot. The lot owner may grant written permission, which must be notarized and filed with the Town Clerk-Treasurer, for the burial of specific persons other than the owner and the owner’s spouse. If

more than one person has an ownership interest in the lot, the written consent of all persons having an ownership interest in the lot, the written consent of all persons having an ownership interest in the lot is required to permit the burial of a person other than an owner or owner's spouse.

3. Unless otherwise directed in writing filed with the Town Clerk-Treasurer by the lot owner under paragraph 2, the Town Board or the Sexton shall permit the burial of persons at any town cemetery lot at the request of any interested person upon proof of eligibility for burial at the cemetery as follows:

(a) The lot owner, and surviving spouse of the lot owner, have the first right to burial or to direct the right of burial.

(b) When there is no surviving spouse, the devisees or heirs of the owner may, by agreement in writing of all the heirs or devisee, determining who shall have the right of burial or direction for burial, which agreement shall be filed with the Town Clerk-Treasurer.

(c) If no agreement under subdivision b. is filed, the Town Board or the Sexton may determine use, giving preference to relatives in the order list in paragraph 1.

C. Ownership rights. All burial rights in the cemetery lots located at any town cemetery and purchased from the town shall occupy the same position as real estate at the death of the owner. Only persons whose names appear on the cemetery records of the town will be recognized as owners or part owners of lots. Lot owners may not allow burials to be made in their lots for any remuneration or financial consideration. In case of the death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the will or final judgment in the decedent's estate must be delivered to the Town Clerk-Treasurer before the town will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended that lot owners, in making their wills, include a provision covering the town cemetery lots and devise the lots to one person.

D. Resale. Lot owners may not resell or transfer lots or parts of lots in any town cemetery except as follows:

1. Re-conveyance of lots or parts of lots may be made only upon written application filed with and approved by the Town Clerk-Treasurer. The application shall be executed by the owner of the lots, or if the owner is deceased, by the legal heirs. The Application shall state the lot and block number. Upon approval by the Town Clerk-Treasurer the owner of the lot shall execute a deed in the same form as an original deed from the town under Section 12.0106(B), so as to entitle the purchase to record the deed with the Register of Deeds for Oconto

County, Wisconsin.

2. The Town Clerk-Treasurer shall enter in the record kept for that purpose copies of all deeds of transfer and re-conveyance of cemetery lots. No deed re-conveyance may be received and filed by the Town Clerk-Treasurer until the fee has been paid therefore.
3. The fee shall be deposited into the general town municipal fund.

E. Reburial.

1. In this subsection “reburial” means to dis-entomb, dis-inurn, or dis-inter human remains that are buried in a cemetery and re-entomb, or re-inter the human remains in another grave, mausoleum space, or other place used or intended to be used for the burial of human remains that is located in the same cemetery.
2. Any reburial of any person buried in a town cemetery, or in any other cemetery in the town, shall comply with the provisions of s. 157.112 Wis. Stats. Any person seeking burial shall seek approval from the appropriate cemetery authority. A reburial permit shall be required prior to any reburial under s. 69.18(4), Wis. Stats.

- F. Use of repossessed lots. Whenever possible lots repossessed under chapter 157, Wis. Stats., in any town cemetery will be resold and used for burials before new areas of the cemetery are used or platted.

12.0108 Care of Lots at the Town Cemetery

- A. Perpetual care fund for town cemetery. In order to assure reliable means for permanent care of town cemeteries, a perpetual care fund is created for town cemeteries. Income from this fund shall provide all or partial maintenance costs of the town cemeteries. All lots sold in any town cemetery shall be charged a perpetual care fee included in the price of the lot and each grave shall be provided with perpetual care services under 12.0108(B). A record of the perpetual care fund shall be kept in the office of the Town Clerk-Treasurer. The fund may be increased by gifts, bequests, a portion of memorial charges, and other service revenues. Gifts shall be received, kept, and maintained pursuant to s. 157.10(8) and (9), Wis. Stats.
- B. Perpetual care. The town assumes to use the net annual income received from the investments of the perpetual care fund under 12.0108(A). in furnishing perpetual care of graves in town cemeteries. Perpetual care is limited to the maintenance of lawn, leaf disposal, filling sunken graves, raising markers, and caring for avenues, alleys, fences, buildings, and grounds in general. Expenditures of income from the perpetual care fund shall be made at the discretion of the Town Board or Sexton. The town shall not be bound to make a separate investment of money set aside for perpetual care from a particular lot sale, but the proceeds of each lot sale shall be added to the perpetual care fund of the town and the proceeds from the fund used by the town as provided in this subsection. Nothing in this ordinance shall be construed as obligating the town as to any alleged

existing contract as to perpetual care. The Town Board shall operate and maintain the town cemetery to provide proper and decent care of town cemeteries, and the graves, and it may employ a Sexton, staff, and any independent contractor necessary to provide such care.

- C. Costs of care fixed. The Town Board shall annual fix, as required under s. 157.11(5), Wis. Stats., a sum necessary for the proper and decent care of graves and unoccupied cemetery lots and improvement of any town cemetery to be paid from the following sources as determined by the Town Board:
 - 1. Payment from Oconto County to the town for veteran's graves under subsection F and s. 45.84, Wis. Stats.
 - 2. Income of the perpetual care fund.
 - 3. Assessments made under subsection D.
 - 4. A tax levied by the Town Board.
- D. Assessments against unoccupied lots. The Town Board may annually assess upon town cemetery lots not occupied by graves amounts not to exceed the amounts reasonably required for actual and necessary costs for care of cemetery lots and care and improvement of the cemetery pursuant to s. 157.11(7), Wis. Stats. Notice of the assessment, along with a copy of s. 157.11, Wis. Stats., shall be mailed to each owner or person having charge of a cemetery lot, at the owner's or person's last known post office address, directing payment to the cemetery authority within 30 days and specifying that such assessments are a personal liability of the owner or person. When uniform care of a cemetery lot has been given for 2 consecutive years or more, for which assessments are unpaid, after notice as provided in s. 157.11(2), Wis. Stats., the right to burial is forfeited until delinquent assessments are paid. When uniform care has been given for 5 consecutive years or more and the assessments are unpaid, upon like notice, title to all unoccupied parts of the cemetery lot shall pass to the town, as cemetery authority, and maybe sold, the payment of principal into the perpetual care fund, the cemetery authority may retain an amount necessary to cove the cemetery authority's administrative and other expenses related to the sale, but the amount retained may not exceed 50% of the proceeds.
- E. General Improvements. The Town Board shall direct and administer all improvements and maintenance within the cemetery before and after any burials. The Town Board shall be responsible for determining proper and decent care of the cemetery. All graves shall be sodded and mowed, when determined necessary by the Town Board or the Sexton. The grade of the cemetery lots shall be determined by the Town Board or the Sexton. The corners of all cemetery lots shall, when purchased, if possible, be permanently marked by the Town Board or the Sexton. Re-sodding of existing graves or following disinterment will be done when determined necessary by the Town Board or the Sexton.

F. Veteran's graves.

1. Pursuant to s. 45.85, Wis. Stats., the Town Board shall at all times see that the graves and tombstones of all veterans, including women's auxiliary organizations created by an act of Congress, who shall at any time have served in any branch of the armed forces of the United States, and of the spouses or surviving spouses of all those veterans, receive proper and decent care, and may employ all necessary assistance to carry out this section.
2. Pursuant to s. 45.85(1), Wis. Stats., the expense of the care of the graves and tombstones shall be borne by the county where the graves are located, except where suitable care is otherwise provided and the amount of expense charged the county for the care may not exceed the charge made for the care of other graves in the same cemetery. The Town Board shall report to the Oconto County clerk, on or before September 1 of each year, the locations of the graves cared for by the Town Board under s. 45.85, Wis. Stats., together with the names of the deceased and the amount claimed for care of the graves for the fiscal year from the previous July 1 to June 30.

12.0109 Privileges and Restrictions in Town Cemeteries

- A. Bylaws and regulations. The Town Board may adopt bylaws and regulations for the management and care of any town cemetery and may enforce those bylaws and regulations under s.157.11 (2), Wis. Stats. The Town Board may require any person owning or controlling a cemetery lot to do anything necessary to comply with the bylaws or regulations by giving reasonable personal notice in writing if the person is a resident of the state, otherwise by publishing a class 3 notice, under chapter 985, Wis. Stats., in the county. If the person fails to comply within 20 days thereafter, the Town Board may cause the action required to be done and impose a forfeiture not exceeding \$10.00 for violation of the bylaws or regulations posted in 3 conspicuous places in the cemetery, recoverable under chapter 778, Wis. Stats.
- B. Mounds prohibited. No person may raise the level of the earth over any grave in a town cemetery above the general level of the cemetery lot.
- C. Limitations on structures and urns. No structures, hedges, fences, railings, embankments, depressions, or other enclosures of any kind are permitted on or around lots in any town cemetery. Wooden boxes, wire containers, glass jars, bottles, toys, cans, memorials, memorabilia, personal items, and other similar objects may not be placed on lots without written approval of the Town Board or the Sexton, and if so placed may be removed by the Town Board or the Sexton without oral or written notice. Urns existing in town cemeteries prior to the passage of this ordinance shall be removed by the town or the Sexton as they become unsightly or deteriorated and shall not be replaced. Before an urn is destroyed or discarded, the last owner of record of the lot on which it is located shall be notified by registered or

certified mail with return receipt requested by the Town Clerk-Treasurer that the urn has been removed from the lot and will be destroyed or discarded unless the owner of the urn claims it within 30 days after mailing of such letter.

- D. Landscaping. All landscaping, mowing, and general care of lots, and other work, construction or maintenance in the town cemetery shall be performed by the town by its officers, employees, independent contractors, or agents, including any Sexton, unless otherwise provided in writing by the Town Board.
- E. Access to lots; opening and closing burial places. The town reserves the right for its officers, employees, contractors, and agents, including the Sexton and the Town Board, necessary to the performance of normal town cemetery operations to enter upon or cross over any lot in any town cemetery in the performance of any duties or work necessary under this ordinance. The Town Board, by its officers, employees, contractors and agents, including the Sexton, has the sole right to the opening and closing of burial places used or to be used for burial of human remains in the town cemetery, unless so ordered by a court of record to open or close such places.
- F. No assumption of liability for damages. The town, and its officers, employees, contractors, and agents including the Sexton and the Town Board, assume no liability for damages to property or person, or for physical or mental suffering arising out of the performance of its normal operations related to the construction, management, operation, maintenance, care, and platting of any town cemetery, including care of the cemetery, any lot and the graves, or for loss by vandalism or other acts beyond its reasonable control at a town cemetery.
- G. Altering physical conditions. The Town Board reserves the right to alter, change, or close alleys, roadways, walkways, water mains, and other physical public properties at any town cemetery.
- H. Enforcement of regulations and ordinance. The Town Board may appoint, with citations issuance and service powers, any employee or agent of the town, including the Sexton, to administer and enforce its town cemetery bylaws and regulations, and this ordinance.

12.0110 Rules for Visitors to Town Cemeteries

- A. Visiting hours. Every town cemetery shall be open to visitors at all times from sun up to sun down. Permission to enter any town cemetery at any other time must be obtained from the Town Board or the Sexton.
- B. Children. Children under 16 years of age shall not enter upon any town cemetery except when accompanied by parents or guardians, unless waived in writing by the Town Board or the Sexton.
- C. Refreshments. Persons, including picnic parties, with food, refreshments, or alcoholic beverages, are prohibited within any town cemetery.

- D. Dogs and other animals. Dogs are permitted in any town cemetery only when confined in a vehicle or if the dog is a service animal accompanying a person with sight impairment or other disability while in the town cemetery. All other pets or domestic animals are prohibited without written consent of the Town Board or Sexton, except a service animal other than a dog accompanying a person with sight impairment or other disability while in the town cemetery.
- E. Firearms. Firearms are prohibited in any town cemetery except in conjunction with military funerals or specific memorial events permitted by the Town Board, the Sexton, or other designees of the Town Board. At all other times firearms, bows and arrows, slingshots, and other like articles are prohibited.
- F. Visitors.
 - 1. Visitors to town cemeteries are required to use existing walkways and road ways whenever possible.
 - 2. Except as provided in Section 12.0114, no person in any town cemetery may do any of the following:
 - (a) Pick or cut any flowers, either wild or cultivated.
 - (b) Remove, deface, mark, or damage in any manner any cemetery markers, headstones, monuments, fences or structures.
 - (c) Mar or deface any monument, stone, or structure.
 - 3. No person, except the owner of the cemetery lot, a person with the cemetery lot owner's consent, or a person with the written consent of the Town Board or the Sexton who is engaged in official cemetery management and care duties for the town, may do any of the following in a town cemetery:
 - (a) Damage any grave or lot.
 - (b) Remove, deface, mark, or damage in any manner any cemetery markers, headstones, monuments, fences, or structures.
 - (c) Remove, damage, or destroy any vases, flower pots, urns, or other objects that have been placed on any cemetery lot.
 - (d) Move or remove any cemetery equipment without the written consent of the Town Board or the Sexton.
 - (e) Remove or damage any town cemetery property not included within 12.0110(F)(3)(a) to (d).
 - 4. No person may loiter, cause a public nuisance, or engage in any sport or other recreational activity without the written consent of the Town Board or the Sexton.
 - (a) In Section 12.0110(F)(4), "recreational activity" means any activity undertaken for the purpose of exercise, relaxation, or

pleasure, including practice or instruction in any such activity. “Recreational activity” includes hunting, fishing, trapping, camping, bowling, billiards, picnicking, exploring caves, nature study, dancing, bicycling, horseback riding, horseshoe pitching, bird watching, motorcycling, operating an all terrain vehicle, ballooning, curling, throwing darts, hang gliding, hiking, tobogganing, sledding, sleigh riding, snowmobiling, skiing, skating, participation in water sports, weight and fitness training, sight seeing, rock climbing, cutting or removing wood, climbing observation towers, animal training, harvesting the products of nature, sport shooting, and any other sport, game, or educational activity.

G. Vehicles.

1. Motor vehicles traveling within any town cemetery may not exceed 15 miles per hour. No motor vehicle, except authorized maintenance vehicles for the tow, shall be driven except on roadways designated for that purpose, nor shall any motor vehicles be driven in a reckless manner in the cemetery.
2. No person may ride, operate, or make use of any of the following vehicles in any cemetery unless the vehicles are present in conjunction with the town cemetery business or are authorized in writing by the Town Board or the Sexton:
 - (a) Snowmobiles.
 - (b) Go carts.
 - (c) All terrain vehicles.
 - (d) Mopeds.
 - (e) Motor Bicycles.
 - (f) Motorcycles.
 - (g) Play vehicles and other amusement vehicles, including any coaster, skateboard, roller skates, sled, toboggan, unicycle, or toy vehicle upon which a person may ride.
3. No person, without the written consent of the Town Board, or the Sexton may park or abandon any motor vehicle in any town cemetery on any grassy or seeded area or upon any other location except a designated parking area; nor shall any person park or abandon a motor vehicle on any town cemetery property for any purpose except engaging in official cemetery business. Any motor vehicle parked more that 24 hours, without written consent of the Town Board or the Sexton, shall be declared abandoned by the Town Board and may be towed or removed, or caused to be towed or removed, by the Town Board or the Sexton.

- H. Protection of cemetery property. No person without written consent of the Town Board or the Sexton may do any of the following:
 - 1. Trap, hunt, kill, injure, or disturb, or attempt to trap, hunt kill, injure, or disturb any animal, bird, or waterfowl, wild or domestic.
 - 2. Climb any tree.
 - 3. Break, cut down, trample upon, remove, or in any manner injure, deface, write upon, or damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign, or other property within any town cemetery, except as otherwise provided in this ordinance.
- I. Littering, soliciting, and advertising prohibited. No person may litter, dump, or deposit any rubbish, refuse, earth, or other material, including any placement of advertising, in any town cemetery without the written consent of the Town Board or the Sexton.
- J. Sound devices. No person may operate or play any amplifying system or sound device in any town cemetery without the written consent of the Town Board or the Sexton.
- K. Authorized notices. No person may post, paste, fasten, paint, or attach any placard, bill notice, sign, or advertising matter upon any structure, tree, or other natural object in any town cemetery, except with the written consent, or at the direction, of the Town Board or the Sexton. No person shall remove, deface, or damage in any manner any sign or notice posted in any town cemetery by or at the direction of the Town Board or Sexton unless approved by the Town Board or the Sexton.
- L. Working in cemetery. All contractors or other person having work in the town cemetery shall notify the Town Clerk-Treasurer or the Sexton prior to commencement of the work. All contractors or others doing work in the town cemetery are responsible for the cost for any damages or losses resulting from the work and shall promptly, upon determination of the amount of damages or loss by the Town Board, pay that sum to the Town Board.

12.0111 Town Cemetery Burials

- A. Daylight burials. Burials at any town cemetery, shall be made only during daylight hours unless with written approval of the Town Board or the Sexton.
- B. Outer containers. All burials and re-interments, at any town cemetery, shall be made in a permanent outer burial container not constructed of wood.
- C. Grave digging. All graves at a town cemetery and any other cemetery in the town to be used for burials shall be opened and dug at no cost or expense to the town, but shall be under the direction of the Town Board or the Sexton. Depth of graves shall conform to State of Wisconsin rules and specifications. The Town Board or the Sexton may charge the full cost for

any grave digging and opening service provided by the town at any town cemetery, including the fees for the Sexton or other designee of the Town Board, for staking the plot, if the Town Board has authorized the town or its officers, employees, contractors, or agents, including the Sexton or other designees, to provide grave staking, grave openings, or digging services. The Town Board or the Sexton may also establish charges for snowplowing and seasonal additional access costs to the lot owner incurred by the town to provide for burial or disinterment services. Arrangements for any disinterment or burial services, including payments due to the town, shall be made with the Town Clerk-Treasurer, the Sexton, or other person designated by the Town Board at least 48 hours in advance of the service. The time for any disinterment or burial service shall be arranged so that the grave shall be properly filled and surplus earth removed before 4:30 p.m. on the day of the disinterment or burial service, unless that requirement is specifically waived in writing by the Town Clerk-Treasurer or Sexton.

- D. Burial permit. No burial in the town cemetery shall be permitted until a legal burial permit has been issued by the Town Clerk-Treasurer or the Sexton. The burial of bodies of persons who have died of contagious disease shall be in strict accordance with the rules of the State of Wisconsin.
- E. Maintenance of flowers, wreaths and other personal items at burial sites. There shall be no responsibility on the part of the town, its officers, employees, contractors, or agents, including the Sexton or other designees of the Town Board, for the protection and maintenance of flowers, wreaths, plants, emblems, urns, family or personal items, memorials, or similar items used or placed at any town cemetery in conjunction with funerals or burials, including disinterment's, or memorial events. The Town Board shall place or cause to have placed a notice of disclaimer of responsibility consistent with this subsection at vehicle access locations to each town cemetery.
- F. Number of graves per lot. No lot at any town cemetery may be used for the burial of more than one body except in the following circumstances:
 - 1. Two remains from cremation shall be allowed in one lot with one headstone or two flat markers to be placed only in line with other stones.
 - 2. One full body and one remains from cremation shall be allowed in one lot, with one headstone or two flat markers to be placed only in line with other stones.
 - 3. All cremation remains shall be placed in a permanent outer burial container not constructed of wood.
- G. Seasonal burial; duty to bury. The Town Board or the Sexton shall provide for cemetery services and burial at any town cemetery during each season, including winter, whenever practicable, in compliance with s. 157.114, Wis. Stats. However, the town has no duty to bury, remove any human remains, or allow the burial or removal of any human remains, unless those

requesting burial or disinterment are or will be in full compliance with this ordinance, state law, and any bylaws and regulation established by the Town Board. The Town Board may, at its discretion, charge additional costs to the person requesting burial in order to provide safe and timely access to and from the grave or burial site during burial services.

12.0112 Town Cemetery Monuments and Markers

A. Setting grave markers.

1. Grave markers, monuments, and foundations at any town cemetery may be set only after the person desiring to the marker, monument, or foundation obtains a permit therefore from the office of the Town Clerk-Treasurer or the Sexton. Grave markers, monuments, and foundations at any town cemetery may be set by monument company employees or agents or other persons authorized by the lot owners, but not the Town Board or the Sexton. Except as otherwise provided in this ordinance, under no conditions will the Town Board or the Sexton construct monument or marker bases or erect monument or makers on bases.
2. All markers and monuments must have a cement foundation. The construction of a foundation shall be of such size and design as will provide ample insurance against settlement or injury to the monument or marker as determined by the town boar or the Sexton. The top of the foundation shall be constructed flush with the ground line. Whenever possible, all markers shall be set with, at minimum, a 5 inch margin from the outer edges of the foundation.
3. The setting of grave markers, monuments, and foundations and the transportation of all tools, and related materials within any town cemetery is subject to the supervision and control of the Town Board or the Sexton. Unless special arrangements are made in writing with the Town Board or the Sexton, such work shall be conducted between the hours of 8:00 a.m. and 5:00 p.m. Mondays through Fridays, except national holidays. Truck operation is not permitted within any town cemetery when, in the opinion of the Town Board or the Sexton, the truck operation may cause damage to the driveways or other own cemetery property. Except with written permission of the Town Board or Sexton, all work in the setting of grave markers, monuments, and foundations shall be completed promptly and debris removed immediately.

B. Limitations. All of the following apply to monuments and markers in town cemeteries:

1. The Town Board or the Sexton may refuse permission to erect any monument, marker, or foundation not in keeping with the good appearance of the grounds at a town cemetery. The size of any monument or stone work must be provided to the Town Board or the

Sexton and approved before any work related to any monument, marker, or foundation will be permitted on a lot in a town cemetery.

2. Only on monument or marker shall be allowed per lot.
3. No foundation marker or monument may be larger than the width of the lot or group of lots purchased. All monuments and foundations must be set in line with other monuments so far as possible as directed by the Town Board or Sexton. Government service monuments or markers shall be surface mounted or attached to the monument or marker. No monument or marker may be more than 5 feet in height.
4. Temporary markers shall be removed or replaced with a permanent marker within one year of burial.
5. A pre-need marker may be placed on a lot or group of lots before burial.
6. No materials other than granite, marble, or standard bronze may be used for outside and above ground portions of any marker or monument.
7. Within one year after burial, a marker or monument identifying the burial shall be placed at the grave site. The Town Board or the Sexton may require, at minimum, prior to burial, a deposit of \$1,000 payable to the Town Clerk-Treasurer to insure timely placement of a proper marker or monument. The town reserves the right to place a marker or monument and to assess any surviving owners of the lot for the costs of the marker or monument placed and the costs of installation of such marker or monument.

C. Removal of monuments. A marker or monument, once placed at a town cemetery on its foundation, may not be removed, except by written permission of the Town Board or the Sexton.

D. Payment. Any lot at a town cemetery must be paid in full to the Town Clerk-Treasurer before markers, monuments, and foundation are set and before any cemetery deed conveyance. All outstanding charges due the town must be paid prior to burial.

12.0113 Town Cemetery Vaults and Mausoleums

Construction of vaults and mausoleums in any town cemetery is prohibited unless approved in writing by the Town Board.

12.0114 Trees, Shrubs, and Flowers at Town Cemetery

A. Tree and shrub planting. The planting at any town cemetery of trees and shrubs on newly purchased lots or parts of lots is prohibited except by written consent of the Town Board or the Sexton.

B. Large tree removal. Lot owners may, with the written consent of the Town Board or the Sexton, remove large trees on or adjacent to cemetery lots in any town cemetery that hinder the full usage of the lot. The expense of the

tree and stump removal shall be paid for by the lot owners.

- C. Fresh flowers and flags. All flower baskets at grave or lot sites at a town cemetery shall be removed by October 15th of each year. Fresh cut flowers may be used in any town cemetery at any time. Containers for cut flowers are to be of a type that is level with the ground surface and not holding water when not in use; or of the type to be disposed of when flowers are removed. All flags placed on graves for Memorial Day shall be removed by the day following Flag Day of that year.
- D. Potted plants. Potted plants at any town cemetery may be set on lots, without disturbing the sod if removed within 5 days after being set. If a potted plant is not removed within 5 days of being set on the lot, the potted plant may be picked up and destroyed by the Town Board or the Sexton of the town or removed and preserved for planting within the town cemetery.
- E. Artificial flower decorations-baskets. Artificial flower decorations are prohibited in any town cemetery unless in a vase or pot and when so used will be treated as potted plants. Unfilled or unsightly baskets will be removed from the lot by the Town Board or the Sexton.
- F. Flower beds. Individual flower beds or growing plants other than trees or shrubs are permitted at any town cemetery but must be of a reasonable size as determined by the Town Board or the Sexton. In case of doubt, the Town Board or the Sexton of the town should be consulted. Flower beds or growing plants that are not maintained, become unsightly or undesirable, or are not of reasonable size as determined by the Town Board or the Sexton will be removed by the Town Board or the Sexton.
- G. Plant or flower removal. Plants or flowers planted in a town cemetery may not be taken up or removed by any person or cuttings removed from plants in a town cemetery without written consent from the Town Board or the Sexton, except that plants in flower beds and growing plants authorized under subsection F may be removed or cut by the person who planted the flower bed or growing plant.
- H. Vine, wreath and memorial removals. Vines that interfere with the proper care of lots or graves or injure or damage the grass will be removed from any town cemetery by the Town Board or the Sexton when found objectionable. Neither real or artificial wreaths, temporary or permanent, nor memorial or personal memorabilia items will be allowed on lots or graves without written consent of the Town Board or Sexton.

12.0115 Miscellaneous

- A. Neglected lots. It is urged that lot owners interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of the entire town cemetery. The Town Board or the Sexton may notify, or attempt to notify, in writing a lot owner that any lot or monuments or markers are being neglected and that failure to comply with this ordinance and town cemetery bylaws and regulations regarding proper care and management, or

to correct a neglected lot, may be cause for implementation of forfeitures under s. 157.11(2), Wis. Stats.

- B. Schedule of payments. A schedule of the fees and charges for any town cemetery, as established by the Town Board by resolution shall be on file in the office of the Town Clerk-Treasurer. The Town Board may by resolution change the schedule from time to time without advance notice to conform the fees and charges to current economic conditions. (Refer to the Town of Brazeau Fee Schedule).
- C. Fee payment location. All fees and charges for any town cemetery in the current schedule of fees and charges adopted under subsection B are payable to the Town Clerk-Treasurer at the office of the Town Clerk-Treasurer, where receipts will be issued for the amounts paid.
- D. Sexton. The Town Board, by resolution, may designate, retain, or employ a person as Sexton or may designate any other person or committee to act administratively and to manage, operate, maintain, and provide care for the town cemetery or any part of the operations or of any town cemetery pursuant to this ordinance. The Sexton may be a town employee or may, with proper insurance and indemnification protection for the town, its officers, employees, and agents, be an independent contractor or agent retained under written contract for a fixed time of years. The Town Board, consistent with this ordinance, shall designate the authority, responsibility, and duties to the Sexton by written resolution. The Town Board shall be responsible for proper supervision of the Sexton.
- E. Amendment of ordinance. The Town Board reserves the right to amend this ordinance to conform to newly developed cemetery practices or any other legal purpose that the Town Board deems necessary and appropriate. Before this ordinance is amended, a public hearing shall be held on the proposed amendment shall be held before the Town Board. Notice of the public hearing shall be published in a local newspaper at least 10 days prior to the hearing.

12.0116 Penalties

- A. Citation. The Town Board may establish a citation ordinance for enforcement of violations of this ordinance and for any bylaws or regulations.
- B. Penalties. Any person who violates any provision of this ordinance or any bylaws or regulations, shall, upon conviction, be fined and shall forfeit for any bylaw or regulation violation under Section 12.0109(A), of this ordinance and s. 157.11(2), Wis. Stats., not less than \$100 nor more than \$500 for each offense, together with the costs of prosecution. Each day a violation exists or continues constitutes a separate offense under this ordinance. The Town Board may withhold the issuance of any town licenses, authorities, grants, or permits and any additional cemetery lot purchases and permits for burial or disinterment until the violation has been

abated and all penalties and costs satisfied. Refer to the Town of Brazeau Bond Schedule.

12.0117 Severability

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

12.0200 RESERVED

12.0300 RESERVED

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF BRAZEAU
OCONTO COUNTY, WISCONSIN**

CHAPTER 13: RESERVED

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**CODE OF GENERAL ORDINANCES
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CHAPTER 14: RECREATION

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CHAPTER 14: RECREATION

14.0100 RESERVED

14.0200 RESERVED

14.0300 RESERVED

14.0400 ALL TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTES

14.0401 Title and Purpose

The title of this ordinance is the Town of Brazeau All-Terrain Vehicle/Utility Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle/utility terrain vehicle routes in the Town of Brazeau and to regulate the operation of all-terrain vehicles/utility terrain vehicles in the Town of Brazeau.

14.0402 Authority

The Town Board of the Town of Brazeau, Oconto County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle/Utility Terrain Vehicle Route Ordinance under s.23.33 (8)(b) and (11), Wis. Stats.

14.0403 Operation of All-Terrain Vehicles/Utility Terrain Vehicles

Pursuant to s. 23.33(4)(d) 4., Wis. Stats, except as otherwise provided in s. 23.33 (4), Wis. Stats., no person may operator an all-terrain vehicle/utility terrain vehicle on the roadway portion of any highway in the town except on roadways that are designed as all-terrain vehicle/utility terrain vehicle routes by this ordinance. Operation of all-terrain vehicles/utility terrain vehicles on a roadway in the town that is an all-terrain vehicle/utility terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

14.0404 Designation of All-Terrain Vehicle/Utility Terrain Vehicle Routes

All town roads under the Town of Brazeau jurisdiction.

14.0405 Conditions Applicable to All-Terrain Vehicle/Utility Terrain Vehicle Routes

Pursuant to s. 23.33 (8) (d), Wis. Stats., the following restrictions are placed on the use of the Town of Brazeau all-terrain vehicle/utility terrain vehicle routes designated by this Ordinance:

- A. Routes shall be marked with uniform all-terrain vehicle/utility terrain vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Town of Brazeau all-terrain vehicle/utility terrain vehicle routes:
 - 1. Intentionally remove damage, deface, move, or obstruct any uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform

all-terrain vehicle/utility terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.

2. Possess any uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform all terrain vehicle/utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis. Stats.
- C. A copy of this ordinance shall be sent by the Town Clerk-Treasurer to the Oconto County Sheriff's Department.
- D. The following restrictions shall apply to all operation of All-Terrain Vehicles/Utility Terrain Vehicles on Town of Brazeau roads:
1. Maximum speed of 25 miles per hour.
 2. Operation on hard surface of road only.
 3. Operation of All-Terrain Vehicles/Utility Terrain Vehicles in single file only.

14.0406 Enforcement

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

14.0407 Penalties

The penalties under in s. 23.33 (13) (a), Wis. Stats., are adopted by reference.

14.0408 Severability

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

14.0500 RESERVED

14.0600 SNOWMOBILE ACCESS

14.0601 Intent

The intent of this ordinance is to provide a means for persons to travel from a residence and from a lodging establishment within the limits of the Town of Brazeau, Oconto County, Wisconsin for the shortest distance that is necessary for a person to operate a snowmobile to the snowmobile route or trail that is closest to that residence and lodging establishment.

14.0602 Authority

This ordinance is adopted as authorized under s. 350.18(3)(a).

14.0603 Designation of Roadways and Highways as Snowmobile Routes

No person shall operate a snowmobile on a roadway or shoulder of a highway not designated and approved as a snowmobile route.

14.0604 Conditions

This ordinance designates the roadways and/or shoulders of specific highways for snowmobile travel by persons residing in or staying at a lodging establishment within the limits of the Town of Brazeau, Oconto County, Wisconsin to travel for the shortest distance that is necessary to reach the snowmobile trail or route that is closest to that residence or lodging establishment subject to the following conditions:

A. Speed.

A snowmobile operated on a portion of the roadway or shoulder of a highway pursuant for this ordinance shall observe roadway speed limits.

14.0605 Enforcement

This ordinance shall be enforced by any law enforcement officer of the Town of Brazeau, Oconto County, Wisconsin.

14.0606 Penalties

Wisconsin state snowmobiles penalties as found in Chapter 350, Wis. Stats., are adopted by reference.

14.0607 Severability

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

14.0700 PARKS, WALKING PATHS, BOAT LANDINGS

14.0701 Purpose and Definition

In order to protect the parks, parkways, recreational facilities and appurtenances thereto in the Town of Brazeau from fire, abuse, damage or desecration; these regulations are enacted. The term "park" as hereinafter used in this chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility, playground, recreational area, river/lake access sites under administration of the Town of Brazeau.

14.0702 Specific Regulations

- A. No person shall litter, dump or deposit any rubbish, refuse, earth or other materials in any park. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, such rubbish or waste shall be carried away from the park or parkway by the person responsible for its presence, and properly disposed of elsewhere.
- B. No person shall throw, discharge, or otherwise place materials or cause to be placed in the waters, lake, creek, stream or other body of water in or adjacent to any park or water access which will or may result in the pollution of said waters.
- C. Removal of Park Equipment Prohibited. No person shall remove benches, seats, tables or other park equipment from any park.
- D. Fires. No person shall make, kindle, tend, or maintain a fire except in personal grills. Personal grills shall be used only in picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered/damaged. Unburned fuel, charcoal, and ashes shall be disposed of in such a manner as to prevent fire or damage to park property. Control of the grill, fire and smoke will be the responsibility of the person using such fire/grill. Burning of rubbish in barrels is prohibited.
- E. Protection of Park Property
 - 1. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, walkway, monument, ornament, building, structure, bench, table, official notice, sign, backstop and fencing or other property within any park.
 - 2. No person shall deface, by throwing stones or other debris at any structure, or sanitary facilities located in any Town of Brazeau park; or to deface by drawing with crayon, chalk, paint or anything else on any of the buildings or within any of the buildings or equipment at any Town of Brazeau park; or to deface the equipment by means of a

sharp instrument.

- F. Snowmobiles. No person shall operate a snowmobile in the Town of Brazeau park except in the designated area marked by the local snowmobile club.
- G. Reckless Driving in Parks Prohibited. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Town of Brazeau. Speed should be observed at a limit of children at play.
- H. Parking in Park. Overnight parking of vehicles is prohibited in park.
- I. Camping. No person shall lodge, sleep, or camp in the Town of Brazeau park.
- J. Misuse of Equipment. Jumping, standing or misuse will not be permitted on any bench, bleachers or picnic tables, any misuse or use with intent to do damage will be considered vandalism and may result in dismissal from the park.
- K. Restrooms/washrooms. No person shall fail to cooperate in maintaining restrooms/washrooms in a neat and sanitary condition.
- L. Fermented Beverages for sale.
 - 1. Picnic or special event permit required. Permit application may be obtained from Town Clerk-Treasurer; may be applicable to Town Board approval.
 - 2. Picnic or special event fee: (Refer to Town of Brazeau Fee Schedule) Picnic or special event fee is per event application to be paid upon approval. Permit shall be valid for the period of time, specific in the application and permit must be posted in conspicuous location on the pavilion grounds.

14.0703 Park Hours

- A. Subject to certain exceptions town park shall be closed from 11:00 p.m. to 7:00 a.m.
- B. Exceptions for Organized Activities. Exceptions need Town Board approval.

14.0704 Reservation of Park Pavilion

- A. A person or group, organization may reserve the use of the park pavilion by written application filed with the Clerk-Treasurer of the Town of Brazeau. Reservation of the pavilion for an event should not interfere with the general public use of the playground area.

14.0705 Application

Application(s) shall be filed with the Town Clerk-Treasurer at least three (3) days prior to the date on which an individual desires to reserve the pavilion for use. Application includes:

1. The name, address and telephone number of the applicant; responsible user.
2. The date when the use is requested and the proposed hours of use; not to exceed park hours.
3. Type of event of use; reunion, graduation, birthday, etc.
4. Any additional information which the Town Clerk-Treasurer finds reasonably necessary to base a determination to grant permission and issue permit. Town Board consideration may be needed or required. By signing application is responsible for compliance of all specified rules/regulations of park.
5. Required Fee: Refer to Town of Brazeau Fee Schedule.

14.0706 Park Safety

Visiting Pets shall be on a leash and owner responsible for action/activity of visiting pet.

14.0707 Care of Facilities

Persons reserving town park pavilion shall be completely responsible for cleaning up the facility after the event. Pavilion area shall be left in a clean orderly condition, with refuse placed in containers provided for such purpose. Any person, persons, group, organization reserving pavilion area of town park shall agree to assume full responsibility for all damage to town property by any invitee of said event and shall make full payment therefore upon billing authorized by Town Board and issued by Town Clerk-Treasurer. Failure to do so shall deny future use of park facilities until such payment be made, in addition to any other remedy which the town may have.

14.0708 Trails

During spring, summer, and fall trail activities to include: walking, bird watching, and hiking.

14.0709 Trail Etiquette

- A. Users should keep to the right side of the trail should others desire to pass while walking the trail.
- B. Do not litter.
- C. Keep dogs on a leash.

14.0710 Administration of Outdoor Recreation Plan

- A. The Town of Brazeau Town Board and Plan Commission shall have the management and regulatory control of the Comprehensive Outdoor Recreation Plan. Authority to include, power and duty over this plan designed to assure that adequate park, open space and recreational resources are available for both present and future residents of the Town of Brazeau
- B. Subject to budget limitations and in accordance with Outdoor Recreation Plan; the Town Board and commissioners shall include but not limited to

picnic grounds, public access boat landings, walking trails and scenic areas and shall designate, make and preserve places of natural and historic interest and significances.

- C. In cooperation with the WDNR, and Oconto County Recreation & Forestry Division, shall do all things necessary for the protection of recreation areas, boat landings, walking trails and special use areas whether from fire, disease, trespass, vandalism, damage by animals or other causes.
- D. Recreation areas to include but not limited to:
 - 1. Recreation areas
 - (a) Memorial Field Park - CTH Z access
 - (b) Cherry Rd (undeveloped)
 - 2. Boat Landings & Public Access Areas
 - (a) Bass Lake
 - (b) Half Moon Lake
 - (c) Kelly Lake
 - (d) Leigh Flowage
 - (e) Lee Lake
 - (f) Montana Lake
 - (g) Perch Lake
 - (h) Ranch Lake
 - (i) Pickeral Lake
 - (j) Reader Lake
 - (k) Rost Lake
 - (l) Round Lake
 - (m) Shay Lake
 - (n) Underwood Lake
 - (o) White Potato Lake
 - (p) Yankee Lake
 - (q) Others unimproved access
 - 3. Special Areas
 - (a) National Register - White Potato Lake Garden Beds - listed not accessible.
 - (b) National Register - Bedora Mound Group - archeological site - not accessible.
 - 4. Non-motorized Trails

- (a) Butler Rock Summit & Trail - Butler Rock Lookout Lane Access.
- (b) Pickeral Lake Trail - Remus Lane and Oak Lane Access.

14.0711 Penalties

Any person, partnership, or corporation who or which is found in violation of section 14.0700 of this code of ordinances shall be fined (refer to the Town of Brazeau Bond Schedule).

14.0800 BOAT LANDING/LAKE ACCESS

14.0801 Title & Purpose

This ordinance shall be know and cited as the Town of Brazeau Boatlanding/Lake Access Ordinance. The purpose of this ordinance is to adopt standards for the use by the general public and the maintenance of all boatlandings/lake access owned and operated by the Town of Brazeau and for the governance thereof within the Town of Brazeau.

14.0802 Definitions

The following words may be used in this ordinance shall be defined as provided herein. All other words and phrases shall be defined as they are in the ordinary and customary usage.

- A. Motor Vehicles: any and all kinds or types of motor driven or motor propelled automobiles, trucks, motorcycles, motor scooters, mopeds, snowmobiles, and any kind or type of off-road or all-terrain vehicle.
- B. Litter: any offal or refuse including, but not limited to, paper, cans, bottles, and animal feces.
- C. Pets: dogs, cats, horses or other domesticated animal under the custody or control of a person or persons.
- D. Watercraft: any and all kinds or types of flotation vessels designed for use on the water whether or not motorized including, but not limited to boats, canoes, kayaks, jet skis, skidoos, pedal craft, pontoon boats, rafts, inflatable craft, tubes, or wind propelled surfboards.
- E. Boatlanding/Lake Access area: the geographic area owned and operated by the Town of Brazeau for the purposes of launching and recovering watercraft.

14.0803 Prohibited Conduct

No person, firm, or corporation shall engage in any of the following conduct on a Town of Brazeau boatlanding/lake access area:

- A. Occupy or use any portion of a Town of Brazeau boatlanding/lake access area for purposes of partying or camping.
- B. Use, park, or operate any motor vehicle outside of the traveled portion of the roadway or designated parking areas, or in any manner contrary to posted traffic controls on applicable Town of Brazeau boatlandings/lake access.
- C. Allow a pet to run loose within any portion of a Town of Brazeau boatlanding/lake access area. Allow a pet to run loose shall mean that the pet is neither on a leash, held by, nor otherwise under the immediate control of, the person in custody of the pet.

- D. Damage, destroy, deface, or remove any tree, shrub, plant, sign, marker, fire department dry hydrant equipment or any other equipment or structure within a Town of Brazeau boatlanding/lake access area, unless necessary for the maintenance of the area as determined by the Town Board.
- E. Light or maintain a fire within a Town of Brazeau boatlanding/lake access area.
- F. Suffer or cause any litter to remain on a Town of Brazeau boatlanding/lake access area including, but not limited to, any fecal matter generated by the pet(s) or animals(s) under the control of any person with the Town of Brazeau boatlanding/lake access area.
- G. Engage in the cleaning or gutting of any animal or fish within a Town of Brazeau boatlanding/lake access area; or the disposal of the waste generated therefrom.
- H. Leave unattended any launched or moored watercraft at any time.
- I. Block or obstruct any Town of Brazeau boatlanding /lake access area, with the exception of emergency services equipment or apparatus.

14.0804 Violation

Any person, firm, or corporation who violates the provisions of this ordinance shall be responsible for a forfeiture as determined by the Town of Brazeau Town Board, plus any related costs. Refer to the Town of Brazeau Bond Schedule.

14.0805 Severability

Should any section of this ordinance be declared invalid or unconstitutional, then such decision shall affect only the section or provision so passed upon, and shall not affect any other section of this ordinance.

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**CODE OF GENERAL ORDINANCES
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CHAPTER 16: RESERVED

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**CODE OF GENERAL ORDINANCES
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APPENDIX A: FEE SCHEDULE

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TOWN OF BRAZEAU FEE SCHEDULE

The Fee Schedule will be reviewed and updated each fiscal year by the Town of Brazeau Town Board as part of the budget process.

The fees set forth in the Fee Schedule shall supersede any fee established elsewhere in the Town's Code of Ordinances for the same charge. If a fee is set forth elsewhere in the Town of Brazeau's Code of Ordinances or via a Resolution and there is no corresponding fee set forth in the attached Fee Schedule, the fee set forth elsewhere in the Code of Ordinance or Resolution shall control, until such time as a fee for the same charge is established in the Town of Brazeau Fee Schedule.

The Town Clerk-Treasurer shall properly post or publish the Resolution adopting this Fee Schedule as required under s. 60.80, Wis. Stats.

Adopted: November 21, 2017

2017 Town of Brazeau Fee Schedule

SECTION	LICENSE/FEE TYPE	FEE
Government		
	Copy Public Record per page	\$0.25
	Criminal Background Check	\$ 7.00
	Insufficient Funds Checks per Item	\$25.00
	Mileage Reimbursement	\$0.42/mile
	Special Assessment Search Fee	\$5.00
	Town Property-Folding Table/Chairs Rent	\$50.00
Public Safety		
	Stopping, Standing, or Parking of Vehicles Violation	refer to bond schedule
	Mailbox replacement by Town, if applicable	\$ 25.00
	Boating Violations, not to exceed	refer to bond schedule
	Fireworks	refer to bond schedule
Public Welfare		
	Forfeiture Dog/Pet Ordinance Violation	refer to bond schedule
	Intact Dog fee	\$8.00
	Spay/Neutered Dog fee	\$3.00
	Late Pet License	\$5.00
	Non-compliant Animal Control	refer to bond schedule
	Deposit of Rubbish on Road/Highway Right-of-Way	refer to bond schedule
Fees, Permits, and Licenses		
	Driveway Permit	\$ 25.00
	Class "B" Beer License	\$ 45.00
	Class "B" Liquor License	\$ 125.00
	Operator License	\$ 5.00
	Picnic/Temporary Permit	\$ 10.00
	Publication - Alcohol Beverage License	\$ 7.00
	Tobacco Permit	\$ 5.00
	Transfer of Beverage License	\$ 10.00
Building/Construction		
	Building Permit	
	Dwelling 0 - 1,499 sq. ft.	\$ 485.00
	Dwelling 1,500 - 1,999 sq. ft.	\$ 510.00
	Dwelling 2,000 - 3,000 sq. ft.	\$ 535.00
	Dwelling 3,001 - up sq. ft.	\$510.00 +
	Manufactured 0 - 1,499 sq. ft.	\$327.00
	Manufactured 1,500 - 1,999 sq. ft.	\$ 343.00
	Manufactured 2,000 - 3,000 sq. ft.	\$ 360.00
	Manufactured 3,001 - up sq. ft.	\$360.00 +
	Uniform Dwelling Code Forfeiture	Not less than \$25, no more than \$1,000
	Road Excavation - Bond Fee	\$ 500.00

2017 Town of Brazeau Fee Schedule

SECTION	LICENSE/FEE TYPE	FEE
Recycling		
	Garbage Bag Tag	\$ 1.50
	Conditioner & Dehumidifier	\$ 10.00
	Box Springs	\$ 7.00
	Carpet & Rugs (per 100 lbs.)	\$ 6.00
	Carpet & Rugs - small	\$ 1.00
	Chair or Stool	\$ 2.00
	Computer Hard Drives	No Charge
	Couch or Sofa or sofa-sleeper	\$ 10.00
	Dry Wall (per 100 lbs.)	\$ 6.00
	Laptop Computer	\$ 4.00
	Mattress	\$ 7.00
	Microwaves	No Charge
	PC Monitor	\$ 12.00
	Plastic Siding (per 100 lbs.)	\$ 6.00
	Printer, Fax, Copier	\$ 5.00
	Propane Cylinder	No Charge
	Radio, DVD Player, VCR, Stereo	\$ 5.00
	Recliner or Stuffed Chair	\$ 6.00
	Refrigerator/other freon appliance	\$ 10.00
	Roof Shingles (per 100 lbs.)	\$ 6.00
	Telephone, Camera, Typewriter	No Charge
	Television - 30" and wider	\$ 25.00
	Television - 29" and less	\$ 15.00
	Toilets	\$ 2.00
	Wood or Lumber (per 100 lbs.)	\$ 6.00
	Water Coolers	\$ 10.00
	Tubular Bulb (each)	\$ 0.75
	Compact (CFL'S) (each)	\$ 0.75
	Shatterproof Lamp (each)	\$ 1.50
	High Intensity (each)	\$ 1.50
	Specialty Bulb (each)	\$ 1.50
	UV/Ultraviolet (each)	\$ 1.50
	Ballast (each)	\$ 1.50
	Household Batteries	\$0.50/lb
	Car/Truck & RV Batteries (each)	\$ 3.00
	ATV, Snowmobile, Cycle Batteries (each)	\$ 1.00
	4x8 Pickup	\$ 32.00
	4x6 Trailer	\$ 24.00
	6x10 Trailer	\$ 60.00
	Tires	
	Earth Moving with rim	\$ 50.00
	Earth moving without rim	\$ 35.00
	Tractor Tire with rim	\$ 30.00
	Tractor Tire without rim	\$ 22.00
	Tire 19" & higher with rim	\$ 13.00
	Tire 19" & higher without rim	\$ 10.00

2017 Town of Brazeau Fee Schedule

SECTION	LICENSE/FEE TYPE	FEE
	Tire 17" to 18" with rim	\$ 6.50
	Tire 17" to 18" without rim	\$ 4.00
	Tire 13 to 16 with rim	\$ 4.50
	Tire 13" to 16" without rim	\$ 3.50
	Tire under 13 with rim	\$ 2.50
	Tire under 13" without rim	\$ 1.50
	Violation - Recycling 1st Offense	refer to bond schedule
	Violation - Recycling 2nd Offense	refer to bond schedule
	Violation - Recycling, Subsequent within the same calendar year	refer to bond schedule
Land Use		
	Plan Commission Appearance Fee	\$ 50.00
Emergency Services		
	Fire Protection Charge; not to exceed	\$ 500.00
	Dive Team Point System, per point	\$ 5.00
Cemetery		
	Town Cemetery Grave Site (CTH B)	\$ 100.00
	Cemetery Ordinance Violation not less	refer to bond schedule
Parks		
	Boat Landing/Lake Access Violation	refer to bond schedule
	Memorial Field Pavilion Rental Fee	\$ 75.00
Sanitary District		
Taxation		
	Delinquent Personal Property Taxes	1/2% per month