

TOWN OF LA VALLE

CODE OF ORDINANCES

Revised 06/11/2019

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TITLE 1 GENERAL PROVISIONS

Chapter 1.01	Use and Construction; Citations
Chapter 1.02	Effective date of ordinances
Chapter 1.03	Repeal of general ordinances
Chapter 1.04	Citation Ordinance

CHAPTER 1.01

USE AND CONSTRUCTION; CITATIONS

Sec. 1.01.01	Title of Code; Citation
Sec. 1.01.02	Principles of Construction
Sec. 1.01.03	Conflict of Provisions
Sec. 1.01.04	Severability of Provisions

Sec. 1.01.01

Title of Code; Citation

These collected ordinances shall be known and referred to as the “Code of Ordinances, Town of LaValle, Wisconsin.” References to this code shall be cited as follows: “Sec. 2.01.01, Code of Ordinances, Town of LaValle, Wisconsin.”

Sec. 1.01.02

Principles of Construction

The following rules or meanings shall be applied in the construction and interpretation of ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

- A. Acts by agents. When an ordinance requires an act be done by a person which may be legally be performed by an authorized agent of the principal person, the requirement shall be construed to include all acts performed by such agents.
- B. Board. Whenever the words “board” or “town board” are used, they shall mean the Town Board of the Town of LaValle, Wisconsin.
- C. Computation of Time. In computing any period of time prescribed or allowed by these ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this

Section, “legal holidays” means any statewide legal holiday specified in [sec. 230.35\(4\)\(a\)](#), Wis. Stats.

- D. Fine. The term “fine” shall be the equivalent of the word “forfeiture,” and vice versa.
- E. Gender. Every word in these ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.
- F. General Rule. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the ordinances.
- G. Joint Authority. All words purporting to give a joint authority to three (3) or more town officers or other persons shall be construed as giving such authority to a majority of such officers or other persons.
- H. Person. The word person shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
- I. Repeal. When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- J. Singular and Plural. Every word in these ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these ordinances referring to a plural number shall also be construed to apply to one (1) person or thing.
- K. Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- L. Town. The words “the town” or “this town” shall mean the Town of LaValle, Wisconsin.
- M. Wisconsin Administrative Code. The term “Wisconsin Administrative Code” and its abbreviation “Wis. Admin. Code” shall mean the Wisconsin Administrative Code as of the adoption of this code, as amended or renumbered from time to time.
- N. Wisconsin Statutes. The term “Wisconsin Statutes” and its abbreviation as “Wis. Stats.” shall mean the Wisconsin Statutes for 2003-2004.

Sec. 1.01.03 **Conflict of Provisions**

- A. If the provisions of different chapters appear to conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons most specifically intended to be governed by that chapter.
- B. If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

Sec. 1.01.04 **Severability of Provisions**

If any provision, section, of chapter of this Code of Ordinances 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 provision, section, or chapter of this Code of Ordinances. The remainder of this Code of Ordinances shall remain in full force and effect.

CHAPTER 1.02

EFFECTIVE DATE OF ORDINANCES

Sec. 1.02.01

Code

Sec. 1.02.01

Code

- A. Code of Ordinances. The Code of Ordinances, Town of LaValle, Wisconsin shall take effect from and after passage and publication pursuant to [sec. 66.0103](#), Wis. Stats.
- B. Subsequent ordinances. All ordinances passed by the town board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

CHAPTER 1.03

REPEAL OF GENERAL ORDINANCES

Sec. 1.03.01	Repeal of General Ordinances
Sec. 1.03.02	Effect of Repeals

Sec. 1.03.01 **Repeal of General Ordinances**

- A. All general ordinances heretofore adopted by the Town of LaValle are hereby repealed. This shall not include any ordinances or parts of ordinances or resolutions relating to the following subjects and not conflicting with the provisions of this code:
- (1) Salaries of public officials and employees;
 - (2) The creation or abolition of offices;
 - (3) The annexation of territory to the town;
 - (4) Releases of persons from liability;
 - (5) Contracts or rights created by resolution or board action other than general ordinance;
 - (6) Naming of public property within the town;
 - (7) Tax and special assessment levies;
 - (8) Construction of public works;
 - (9) Budget ordinances, resolutions and actions;
 - (10) Issuance of corporate obligations by the town;
 - (11) Establishment of grades, curb lines and widths of sidewalks, and the location of public streets and alleys; and
 - (12) Waterfront property lines and regulations.

Sec. 1.03.02 **Effect of Repeals**

The repeal or amendment of any provision of this code or of any other ordinance or resolution of the town board shall not:

- A. Affect any rights, privileges, obligations or liabilities which were acquired or incurred, or which have accrued under the repealed or amended provision, unless the town has expressly reserved the right to revoke such right, privilege, obligation, or liability.
- B. Affect any offense, penalty or forfeiture, or prosecution for any offense, or levy of any penalty or forfeiture that has arisen prior to the repeal or amendment of the relevant provision of any ordinance or resolution. The preceding sentence shall not preclude the application of a lesser penalty or forfeiture if the new amending or repealing provision contains such a lesser penalty or forfeiture. The procedure for prosecution of any violations or ordinances repealed or amended shall be conducted according to the procedure set forth in the new amending or repealing provision or other procedure currently in effect.

CHAPTER 1.04

CITATION ORDINANCE

Sec. 1.04.01	Title and Purpose
Sec. 1.04.02	Authority
Sec. 1.04.03	Adoption of Authority
Sec. 1.04.04	Form of Citation
Sec. 1.04.05	Deposits/Court Procedures
Sec. 1.04.06	Issuance of Citation
Sec. 1.04.07	Violator's options/Procedure on Default
Sec. 1.04.08	Nonexclusivity
Sec. 1.04.09	Severability
Sec. 1.04.10	Effective Date

Sec. 1.04.01 **Title and Purpose**

The title of this ordinance is the Town of LaValle Citation Ordinance. The purpose of this ordinance is to authorize the Town Board of the Town of LaValle, or its designees, to issue citations for violations of Town of LaValle ordinances, including ordinances with statutory counterparts.

Sec. 1.04.02 **Authority**

Pursuant to Sec. 66.0113 of the Wisconsin Statutes, the Town Board of Supervisors of the Town of LaValle, Sauk County, Wisconsin (hereinafter known as "Town") hereby elects to use the citation method of enforcement of town ordinances described herein, other than those for which a statutory counterpart exists.

Sec. 1.04.03 **Adoption of Ordinance**

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the Town to issue citations for violations of Town of LaValle ordinances, including ordinances with statutory counterparts.

Sec. 1.04.04**Form of Citation**

The citation shall contain 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 offense;
- (4) The section of the Ordinance violated;
- (5) A designation of the offense in such language as can be readily understood by a person making a reasonable effort to do so;
- (6) The date and time at which the alleged violator may appear in court;
- (7) A statement that in essence informs the alleged violator:
 - (a) That a cash deposit based on the schedule established by this Ordinance may be made which shall be delivered or mailed to the Clerk of Circuit Court prior to the time of the scheduled court appearance;
 - (b) That if a cash deposit is made, no appearance in court is necessary unless he/she is subsequently summoned;
 - (c) That if a cash deposit is made and the alleged violator does not appear in court at the time specified, he/she will be deemed to have entered a plea of no contest and have submitted to a forfeiture, or if the court does not accept the plea of no contest, a summons will be issued commanding him/her to appear in court to answer the complaint;
 - (d) That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
- (8) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statement required under s. 66.0113 (1) (b) 7. Wisconsin Statutes, and shall send the signed statement with the cash deposit.
- (9) Such other information as the Town deems necessary.

Sec. 1.04.05**Deposits/Court Procedures**

- (a) The following schedule of cash deposits is established for use with citations issued under this Ordinance:

Ordinance Title	Offense	Deposit and Costs
General Public Nuisance	Violation	Not less than \$50.00 and not greater than \$500.00 per violation plus current court costs

- (b) Deposits shall be made in cash, money order, or certified check to the Clerk of Reedsburg Municipal Court who shall provide a receipt therefore.
- (c) The town board names the following court, clerk of court, or other official to whom cash deposits are to be made and requires that receipts shall be given for cash deposits: Clerk of Reedsburg Municipal Court.
- (d) The town board requires that in actions for violations of Town of LaValle ordinances enacted in accordance with s. 23.33(11)(am) (re: all-terrain vehicles) or 30.77 (re: boating), Wisconsin Statutes, the citation form specified in s. 23.54, Wisconsin Statutes, shall be used in lieu of the citation form described in subsection A.
- (e) If the action for a violation of a Town ordinance is to be in municipal court, the citation used shall be in compliance with s. 800.02 (2), Wisconsin Statutes The service of the citations in municipal court shall conform with s. 800.01,
Wisconsin Statutes The officers authorized to issue citations for municipal court actions are: Any Town Law Enforcement Officer. The citation for any violation to be heard in municipal court shall contain substantially all of the following information:
- 1.) The name, address, and date of birth of the defendant.
 - 2.) The name and department of the issuing officer.
 - 3.) The violation alleged, the time and place of occurrence, a statement that the defendant committed the violation, the ordinance, resolution,

or bylaw violated, and a designation of the violation in language that can be readily understood.

- 4.) A date, time, and place for the court appearance, and a notice to appear.
- 5.) Provisions for the amount of a deposit and stipulation in lieu of a court appearance, if applicable.
- 6.) Notice that the defendant may make a deposit and thereby obtain release if an arrest has been made.
- 7.) Notice that the defendant may, by mail prior to the court appearance, enter a plea of guilty and may within 10 days after entry of the plea request a jury trial.
- 8.) Notice that, if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment, and crime laboratories and drug law enforcement assessment, any applicable consumer protection assessment, and any applicable domestic abuse assessment plus costs, including the fee prescribed in s.814.65, Wisconsin Statutes, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.
- 9.) Notice that if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the defendant, the court may summon the defendant into court to determine if restitution shall be ordered under s. 800.093, Wisconsin Statutes.
- 10.) Notice that if the defendant does not make a deposit and fails to appear in court at the time fixed in the citation, the court may issue a summons or a warrant for the defendant's arrest or may enter a default judgment against the defendant.
- 11.) Any other pertinent information.

Sec. 1.04.06 **Issuance of Citation**

Citations may be issued upon recommendation of the Town Chair or any Town Law Enforcement Officer.

Sec. 1.04.07 **Violator's Options/Procedure on Default**

Sec. 66.0113(3) of the Wisconsin Statutes relating to violations options and procedures on default is hereby adopted and incorporated by reference.

Sec. 1.04.08 **Nonexclusivity**

- (1) Other Ordinance. Adoption of this Ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- (2) Other Remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceeding under any other ordinance or lay of by any other enforcement method to enforce any ordinance, regulation, or order.

Sec. 1.04.09 Severability

If any provision, clause, sentence, paragraph, or phrase of this ordinance or the application thereof to any person or circumstances is held, for any reason by a court of competent jurisdiction, to be invalid or unconstitutional, such decision shall not affect the validity of other provisions or applications of the provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

TITLE 2 GOVERNMENT AND ADMINISTRATION

Chapter 2.01	Town Board
Chapter 2.02	Town Plan Commission
Chapter 2.03	Town Board of Review
Chapter 2.04	Town Finance
Chapter 2.05	Confidentiality of Information
Chapter 2.06	Town Clerk
Chapter 2.07	Municipal Court
Chapter 2.08	Committees

CHAPTER 2.01

TOWN BOARD

Sec. 2.01.01	Number of Town Board Supervisors
Sec. 2.01.02	Election of Town Board

Sec. 2.01.01 **Number of Town Board Supervisors**

The number of Town Board Supervisors of the Town of LaValle is hereby increased to five (5).

Wis. Stats. [§ 60.21](#)

Sec. 2.01.02 **Election of Town Board**

The Town of LaValle shall elect the Town Chairman and two (2) supervisors in odd-numbered years and two (2) supervisors in even-numbered years.

Wis. Stats. [§ 60.21](#)

CHAPTER 2.02

TOWN PLAN COMMISSION

Sec. 2.02.01	Title
Sec. 2.02.02	Purpose
Sec. 2.02.03	Authority; Establishment
Sec. 2.02.04	Membership
Sec. 2.02.05	Appointments
Sec. 2.02.06	Terms of Office
Sec. 2.02.07	Vacancies
Sec. 2.02.08	Compensation; Expenses
Sec. 2.02.09	Experts and Staff
Sec. 2.02.10	Rules; Records
Sec. 2.02.11	Chairperson and Officers
Sec. 2.02.12	Commission Members as Local Public Officials
Sec. 2.02.13	General and Miscellaneous Powers
Sec. 2.02.14	Town Comprehensive Planning: General Authority and Requirements
Sec. 2.02.15	Procedure for Plan Commission Adoption and Recommendation of a Town Comprehensive Plan or Amendment
Sec. 2.02.16	Plan Implementation and Administration
Sec. 2.02.17	Referrals to the Plan Commission

Sec. 2.02.01 **Title**

This ordinance is entitled "Town of LaValle Plan Commission Ordinance."

Sec. 2.02.02 **Purpose**

The purpose of this ordinance is to establish a Town of LaValle Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

Sec. 2.02.03 **Authority; Establishment**

The Town Board of the Town of LaValle has been authorized by the town meeting under sec. 60.10(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, sec. 990.01(29), Wis. Stats. The Town Board hereby exercises village powers under sec. 60.22(3), Wis. Stats., and

establishes a five (5) member Plan Commission under secs. 60.62(4), 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Town Planning Agency" under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

Sec. 2.02.04 **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 in qualifications.

Sec. 2.02.05 **Appointments**

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

Sec. 2.02.06 **Terms of Office**

The term of office for the Plan Commission Chairperson and each commission member shall be for a period of two years, ending on April 30th, or until a successor is appointed and qualified, except:

- A. Initial Terms. The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.
- B. Town Board Member or Chair Person. The Plan Commission member who is the Town Board member or Town Board Chairperson, including a person designated as the Plan Commission Chairperson, shall serve for a period of two (2) years, as allowed under sec. 66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board, except an initial appointment made after April 30th shall be for a term that expires two (2) years from the previous April 30th.

Vacancies

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

Compensation; Expenses

The Town Board of the Town of LaValle hereby sets a per diem allowance of fifty dollars (\$50.00) per meeting for each member of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

Experts and Staff

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

Rules; Records

The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt the rules of the transaction of its business, subject to town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under secs. 19.21-19.32, Wis. Stats.

Chairperson and Officers

- A. 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:
- (1) Provide leadership to the Commission;
 - (2) Set Commission meetings and hearing dates;
 - (3) Provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
 - (4) Preside at Commission meetings and hearings; and
 - (5) Ensure that the laws are followed.

- B. Vice Chairperson. The Plan Commission may elect by open vote or secret ballot under sec. 19.88(1), Wis. Stats., a vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.
- C. Secretary. The Plan Commission shall elect, by open vote or secret ballot under sec. 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 or other town officer or employee as Secretary.

Sec. 2.02.12 **Commission Members as Local Public Officials**

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, secs. 19.21-19.3839; Code of Ethics for Local Government Officials, secs. 19.42, 19.58, and 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interest in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

Sec. 2.02.13 **General and Miscellaneous Powers**

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

- A. Necessary to enable it to perform its functions and promote Town planning.
- B. 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.
- C. To recommend to the Town Board programs for public improvements and the financing of such improvements.
- D. To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- E. For itself, its members and employees, in the performance of their duties to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the

authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court issued warrant.

Sec. 2.02.14 **Town Comprehensive Planning: General Authority and Requirements**

- A. The Plan Commission shall make and adopt the comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats., and follows the procedures in sec. 66.1001(4), Wis. Stats.
- B. The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance and adopting it to take effect on or before January 1, 2010, so that the town comprehensive plan is in effect by that date on which any town program or action affecting land use must be consistent with the town comprehensive plan under sec. 66.1001(3), Wis. Stats.
- C. 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.

Sec. 2.02.15 **Procedure for Plan Commission Adoption and Recommendation of a Town Comprehensive Plan or Amendment**

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

- A. 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.

B. Resolution. The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite the requirements of the comprehensive planning law have been met, under sec. 66.1001, Wis. Stats., namely that:

- (1) The Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;
- (2) The plan contains the nine (9) specified elements and meets the requirements of those elements;
- (3) The maps and other descriptive materials relate to the plan;
- (4) The plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
- (5) The Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the commission to the governmental units specified in sec. 66.1001(4), Wis. Stats., and paragraph (3) of this Section.

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

- (1) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.
- (2) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.

- (3) The Wisconsin Land Council.
- (4) The Wisconsin Department of Administration.
- (5) The regional planning commission in which the Town is located.
- (6) The public library that serves the area in which the Town is located.

Sec. 2.02.16 **Plan Implementation and Administration**

- A. Ordinance Development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:
 - (1) Official Map. A proposed or official map ordinance under sec. 62.23(6), Wis. Stats.
 - (2) Other. Any other ordinance specified by the Town Board, which may include historic preservation, design review, or site plan review.
- B. 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.
- C. 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 and conservation easements, and capital improvement planning.
- D. Program Administration. The Plan Commission shall, pursuant to town ordinances, have the following powers:
 - (1) Subdivision Review. Proposed plats under Chapter 236, Wis. Stats., shall be referred to the Plan Commission for review and recommendation to the Town Board.
 - (2) Implementation and Administration of the Town of LaValle Comprehensive Plan.
- E. Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval,

recommendation for approval or other action under town ordinances or programs that implement the town's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan as of January 1, 2010. 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.

Sec. 2.02.17 **Referrals to the Plan Commission**

- A. Required Referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
- (1) The location and architectural design of any public building.
 - (2) The location of any statute or other memorial.
 - (3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
 - (a) Street, alley or other public way;
 - (b) Park or playground;
 - (c) Airport;
 - (d) Area for parking vehicles; or
 - (e) Other memorial or public grounds.
 - (4) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
 - (5) All plats under the Town's jurisdiction under Chapter 236, Wis. Stats., including divisions under a town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
 - (6) The location, character and extent or acquisition, leasing or sale of lands for:
 - (a) Public or semi-public housing;
 - (b) Slum clearance;
 - (c) Relief of congestion; or
 - (d) Vacation camps for children.
 - (7) The amendment or appeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map.

- B. Required Referrals under Sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
- (1) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
 - (2) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
 - (3) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the town, as a pedestrian mall under sec. 66.0905, Wis. Stats.
 - (4) Matters relating to the establishment or termination of an architectural conservancy district under sec. 66.1007, Wis. Stats.
 - (5) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
 - (6) Matters relating to the establishment or termination of a business improvement district required to be referred under sec. 66.1109, Wis. Stats.
 - (7) A proposed housing project under sec. 66.1211(3), Wis. Stats.
 - (8) Matters relating to urban redevelopment and renewal in the Town required to be referred under sub ch. XIII of ch. 66, Wis. Stats.
 - (9) The adoption or amendment of a town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
 - (10) Creation and amendment of a Town Tax Incremental District under sec. 60.85, Wis. Stats.
 - (11) Creation and amendment of a Cooperative Tax Incremental District under sec. 66.1105(16), Wis. Stats.
 - (12) Creation and amendment of a Lake Protection Districts under Ch. 33 of the Wis. Stats.
 - (13) Any other matters required by the Wisconsin Statutes to be referred to the Plan Commission.
- C. 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:

- (1) A proposal, under sec. 59.69, Wis. Stats., for the Town to approve general county zoning so that it takes effect in the Town, or to remain under general county zoning.
- (2) Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.
- (3) A proposed driveway access ordinance or amendment.
- (4) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the Commission.
- (5) A proposed extraterritorial zoning ordinance or a proposed ordinance to an existing ordinance under sec. 62.23(7a), Wis. Stats.
- (6) A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. State., or other authority.
- (7) 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.
- (8) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
- (9) A proposed ordinance, regulation or plan, or an amendment to the foregoing, that relates to a mobile home park under sec. 66.0435, Wis. Stats.
- (10) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.
- (11) A proposed Town airport zoning ordinance under sec. 114.136(2), Wis. Stats.
- (12) A proposal to create environmental remediation tax incremental financing in the Town under sec. 66.1106, Wis. Stats.
- (13) A proposed county agricultural preservation plan or amendment under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town, or a proposed town agricultural preservation plan or amendment.

- (14) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such a plan.
- (15) A proposed county zoning ordinance, shoreland protection ordinance, or amendments.
- (16) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.
- (17) An appeal, permit application, Special Exception Permit, Conditional Use Permit, Planned Unit Development, rezoning application, and any other matters pertaining to land use of property in the Town under the county zoning ordinance or shoreland protection ordinance to the county zoning board of adjustment, county planning body or other county body.
- (18) A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis. Stats., or other statute, affecting land use, or municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
- (19) A proposed plat, Certified Survey Map, or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
- (20) A proposed county plan under sec. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of Town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.

D. Discretionary Referrals. The Town Board, or other Town officer or body with final approval authority or a referral of authorization under the Town Ordinances, may refer any other matter deemed advisable for referral to the Plan Commission for a report.

E. Referral. No final action need 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 required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

CHAPTER 2.03

TOWN BOARD OF REVIEW

Sec. 2.03.01	Adoption
Sec. 2.03.02	Appointments
Sec. 2.03.03	Compensation

Sec. 2.03.01 **Adoption**

Pursuant to [sec. 70.47\(6m\)\(c\)](#) and [sec. 70.46\(1\)](#), Wis. Stats., the town board hereby provides for the appointment of alternates to serve on the town board of review in the event a standing board member of the board of review is removed or unable to serve for any reason.

Sec. 2.03.02 **Appointments**

The Town Board may appoint two town residents to serve as alternate members of the town board of review. The term of alternate member appointments shall be one (1) year. The Town Board shall designate the order in which the alternates will serve in the event a standing board member is removed or unable to serve for any reason.

Sec. 2.03.03 **Compensation**

The Town Board of the Town of LaValle hereby sets a per diem allowance of fifty dollars (\$50.00) per meeting for each citizen member serving on the Board of Review.

CHAPTER 2.04

TOWN FINANCE

Sec. 2.04.01	Town Treasurer
Sec. 2.04.02	No Bond Required
Sec. 2.04.03	Alternate Procedure for Approval of Financial Claims

Sec. 2.04.01 **Town Treasurer**

Pursuant to sec. 60.30(1e)(a), Wis. Stat., the office of the Town Treasurer shall be filled by appointment of a majority of the members elect of the Town Board. The term of office for the appointed positions shall be set by the Town Board, but may not exceed 3 years pursuant to sec. 60.30(1e)(c), Wis. Stat. The appointed Town Treasurer may be re-appointed for additional terms, subject to town board approval. However, removal by the Town Board during a given term may only be for cause as defined under sec. 17.001, Wis. Stat. The salary of the appointed position shall be set by the Town Board and may not be reduced during the term of office.

Sec. 2.04.02 **No Bond Required**

The Treasurer of the Town is exempted from giving bond specified in [sec. 70.67 \(2\)](#), Wis. Stats. The Town hereby obligates itself to pay (in case its treasurer fails to do so) all State and County taxes that the treasurer is required to pay to the County Treasurer.

Sec. 2.04.03 **Alternate Procedure for Approval of Financial Claims**

- A. Applicability. The procedure set forth in this Section may be used to pay from the town treasury any bills or vouchers that either are regularly recurring operational expenses or are bills or vouchers that would incur late charges or finance charges if payment is not timely made. This may include, but is not limited to, credit card bills, cell phone bills, fuel invoices, solid waste disposal invoices, employee paychecks, and other similar recurring expenses.
- B. Procedure. If this alternate procedure is used, the Town Clerk must approve the financial claim as a proper charge against the town treasury in writing. To approve the claim, the Town Clerk must determine that all of the following conditions have been satisfied:
 - (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 duly authorized;

- (3) The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization; and,
- (4) The claim appears to be a valid financial claim against the town.

The Town Clerk may require submission of further proof to determine whether the above conditions have been satisfied.

- C. Monthly Reports. If the Town Clerk approves financial claims against the town treasury under this Section, the Town Clerk shall file with the Town Board each month a list of all the claims so approved that shows the date paid, the name of the claimant, the purpose, and the amount paid.

CHAPTER 2.05

CONFIDENTIALITY OF INFORMATION

Sec. 2.05.01

Confidentiality of Information Obtained by the Assessor

Sec. 2.05.01

Confidentiality of Information Obtained by the Assessor

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

CHAPTER 2.06

TOWN CLERK

Sec. 2.06.01

Town Clerk

Sec. 2.06.01

Town Clerk

Pursuant to sec. 60.30(1e)(a), Wis. Stat. the office of the Town Clerk shall be filled by appointment of a majority of the members elect of the Town Board. The term of office for the appointed position shall be set by the Town Board, but may not exceed 3 years, pursuant to sec. 60.30(1e)(c), Wis. Stat. The appointed Clerk may be re-appointed for additional terms, subject to Town Board approval. However, removal by the Town Board during a given term may only be for cause as defined under sec. 17.001, Wis. Stat. The salary of the appointed position shall be set by the Town Board and may not be reduced during the terms of office.

CHAPTER 2.07

MUNICIPAL COURT

Sec. 2.07.01	Purpose
Sec. 2.07.02	Municipal Judge
Sec. 2.07.03	Elections
Sec. 2.07.04	Jurisdiction
Sec. 2.07.05	Operations and Procedures
Sec. 2.07.06	Collection of Forfeitures and Costs
Sec. 2.07.07	Contempt of Court
Sec. 2.07.08	Abolition

Sec. 2.07.01 **Purpose**

Pursuant to the authority granted by Chapter 775 of the Wisconsin Statutes, there is hereby created and established a Municipal Court of the City of Reedsburg and the Town of LaValle and the Village of Rock Springs.

Sec. 2.07.02 **Municipal Judge**

- A. Qualifications: The Municipal Court of the City of Reedsburg, the Town of LaValle and the Village of Rock Springs shall be under the jurisdiction of the presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin and resides in the City of Reedsburg, in the Town of LaValle or in the Village of Rock Springs.
- B. Oath and Bond: The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Wis. Stat. § 757.02(1), and at the same time execute and file an official bond. The Judge shall not act until the oath and bond have been filed, as required by Wis. Stat. § 19.01(4)(c) and the requirements have been complied with of Wis. Stat. § 755.03(2).
- C. Compensation: The salary for the Municipal Court Judge shall be fixed by the Common Council of the City of Reedsburg which shall be in lieu of fees and costs. No compensation shall be paid for any time during the terms for which such Judge has not executed the official oath or official bond, as required by Wis. Stat. § 19.01(4)(c) and the requirements have been complied with of Wis. Stat. § 755.03(2).

Sec. 2.07.03 **Elections**

- A. Term: The initial position of the Municipal Judge will be filled by temporary appointment pursuant to Wis. Stat. §§ 755.01 and 8.50(4)(fm) by the Common Council and the term of such Municipal Judge shall expire on May 1, 2010. The position of the Municipal Judge shall then be permanently filled by

special election. The Municipal Judge shall be elected at large in the spring election in even-numbered years for a term of two (2) years commencing on May 1, 2010. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Wis. Stat. § 8.10, and the selection at a primary election is such is held as provided in Wis. Stat. § 8.11. The Municipal Court Clerk shall serve as filing officer for the candidates.

- B. Vacancy: A permanent vacancy in the office of the Municipal Judge may be filled by temporary appointment by the Common Council of the City of Reedsburg, the Town of LaValle Town Board and the Village of Rock Springs Village Board as provided for in Wis. Stat. § 8.50(4)(fm). The office shall be permanently filled by special election in the manner provided for in said statute.
- C. Substitute and Interim Municipal Judge: In the event that a Municipal Judge is to be temporarily absent or is sick or disabled, the provision of Wis. Stat. § 800.06 shall apply.
- D. Electors: Electors in all the municipalities, the City of Reedsburg, the Town of LaValle and the Village of Rock Springs, shall vote for the Municipal Judge.

Sec. 2.07.04 **Jurisdiction**

- A. Exclusivity: The Municipal Court shall have jurisdiction over incidents occurring on or after January 1, 2004, as provided in Article VII, § 14 of the Wisconsin Constitution, and Wis. Stat. §§ 755.045 and 755.05, and as other provided by the laws of Wisconsin. It shall have exclusive jurisdiction over the actions in the City of Reedsburg, the Town of LaValle and the Village of Rock Springs seeking to impose forfeitures for violations of municipal ordinances, resolutions and by laws.
- B. Civil Warrants: The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under Wis. Stat. §§ 755.045(2) and 66.0119.
- C. Juvenile Offenders: The Municipal Court has jurisdiction over juvenile offenders when a municipality enacts an ordinance under the authority of Wis. Stat. § 938.17(2)(cm). Pursuant to Wis. Stat. § 938.17(2)(cm), the Municipal Judge may impose the following dispositions upon a juvenile for a violation of City or Town Ordinances:
 - (1) Any disposition allowed under Wis. Stat. Chap. 48.
 - (2) Wis. Stat. § 938.343(2)
 - (3) Wis. Stat. § 938.343(3)

- (4) Wis. Stat. § 938.343(4)
- (5) Wis. Stat. § 938.343(10)
- (6) Wis. Stat. § 938.344
- (7) Wis. Stat. § 938.361

Any or all of the above listed dispositions may be used in any combination when imposed by a Municipal Judge.

Sec. 2.07.05 Operations and Procedures

- A. Hours: The Municipal Court for the City of Reedsburg, the Town of LaValle and the Village of Rock Springs shall be open as determined by order of the Municipal Judge.
- B. Employees: The Court shall be staffed by such clerical personnel as are authorized by the Common Council of the City of Reedsburg. Staff work priorities and standards will be developed cooperatively between the Municipal Judge and the City Clerk to ensure all legal and statutory deadlines and obligations will be achieved. The Municipal Judge shall have final authority and determination of work priorities and standards to be implemented by the City Clerk. The City Clerk shall be the appointing authority, in consultation with the Personnel Committee, and shall have jurisdiction over such position(s). Such employee(s) are subject or direction of the City Clerk. Court personnel shall be covered by a blanket bond paid for by the City.
- C. Location: The Municipal Judge shall keep his/her office and hold court in an adequate facility provided by the Common Council of the City of Reedsburg. However, the Municipal Judge may issue process and perform ministerial functions at any place in Sauk County.

Sec. 2.07.06 Collection of Forfeitures and Costs

The Municipal Judge may impose punishment and sentences as provided by Wis. Stat. Chaps. 800 and 938, and as provided in the Ordinances of the City of Reedsburg and the Town of LaValle. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the City of Reedsburg within seven (7) 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 the judgments imposed in actions and proceedings in which such monies were collected. The Town of LaValle and the Village of Rock Springs shall be paid the amount collected on citations issued for violations in the Town of LaValle and the Village of Rock Springs, less the court costs and \$5.00 processing fee.

Sec. 2.07.07 **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 Wis. Stat. § 800.12, and may impose a forfeiture, therefore, not to exceed fifty dollars (\$50.00) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

Sec. 2.07.08 **Abolition**

The municipal court hereby established shall not be abolished while the §755.01(4) agreement is in effect.

TITLE 3 PUBLIC SAFETY

Chapter 3.01
Chapter 3.02

Town of La Valle Police Department
Town of La Valle Police Commission

CHAPTER 3.01

TOWN OF LAVALLE POLICE DEPARTMENT

Sec. 3.01.01	Statutory Authority
Sec. 3.01.02	Department Created
Sec. 3.01.03	Appointments
Sec. 3.01.04	Rank and Duties
Sec. 3.01.05	Rules and Regulations

Sec. 3.01.01 **Statutory Authority**

Pursuant to [sec. 60.56](#), Wis. Stats., the Town of LaValle, Sauk County hereby establishes the Town of LaValle Police Department.

Sec. 3.01.02 **Department Created**

There is established a police department for the Town under the direction and supervision of the Board of Supervisors of the Town. The Board of Supervisors of the Town shall consult with and advise the Police Constable (*hereinafter known as the "Chief of Police"*) with respect to the operations of the police department and shall have the superintendence of the acts and decisions of the Police Constable (*hereinafter known as the Chief of Police*), exempt as such matters shall fall within the jurisdiction of the Police Commission. The police department shall consist of the Police Constable (*hereinafter known as the "Chief of Police"*) and such other members as may be provided from time to time by the Board of Supervisors of the Town. The Board of Supervisors of the town may require the Police Constable (*hereinafter known as the "Chief of Police"*) to submit any and all of his official administrative decisions, or department rules and regulations to the Board of Supervisors for approval and the Board of Supervisors shall further have general supervisory authority of all functions within the department.

Sec. 3.01.03 **Appointments**

The Police Constable (*hereinafter known as the Chief of Police*), shall be appointed by the Town Board. The Police Constable (*hereinafter known as the Chief of Police*), shall perform the duties of the Constable (*hereinafter known as the Chief of Police*), under sec. 60.35(1) and (2), Wis. Stats. The Police Constable shall serve for an indefinite term and shall be subject

Promotions within the department shall be made upon the recommendation of the The Police Constable (hereinafter known as the Chief of Police”) and confirmation by the Town Board whenever the Town Board shall deem that such internal appointments are to the best advantage of the department and the Town. If the Town Board is of the opinion that a promotion cannot be adequately filled from personnel within the police department, the Town Board shall conduct a job search to fill said appointment from outside of the department.

The Police Constable (*hereinafter known as the “Chief of Police”*) shall be the head of the police department and shall have supervision of all officers and personnel within the department. The Police Constable (*hereinafter known as the “Chief of Police”*) shall cause the public peace to be preserved and shall see that all ordinances of the Town and laws of the State of the United States are enforced. The Police Constable (*hereinafter known as the “Chief of Police”*) shall cooperate with other law enforcement agencies. He or she shall be responsible to and shall report as may be required to the Board of Supervisors of the Town.

The Police Constable (*hereinafter known as the "Chief of Police"*) shall make such rules and regulations as the Police Constable (*hereinafter known as the "Chief of Police"*) may deem advisable for the conduct of personnel. Such rules shall be referred to the Board of Supervisors and upon passage and approval shall be binding upon all appropriate personnel of the police department.

This ordinance shall take effect the day after passage and the permanent filing hereof with the Town clerk as provided by Law.

CHAPTER 3.02

TOWN OF LAVALLE POLICE COMMITTEE

Sec. 3.02.01	Creation
Sec. 3.02.02	Selection of Personnel
Sec. 3.02.03	Duties
Sec. 3.02.04	Compensation

Sec. 3.02.01 **Creation**

There is created and established a police committee in accordance with the provisions of [sec. 60.56\(1\)\(am\)1](#), Wis. Stats.

Sec. 3.02.02 **Selection of Personnel**

The Town Chairman, with concurrence of the Board of Supervisors of the Town, pursuant to [sec. 60.56\(1\)\(am\)1](#), Wis. Stats., shall appoint 3 citizens of the Town of LaValle annually to the police committee, such appointments to be made in the month of April to be effective in the month of May in each year. The committee shall meet within the first two weeks of May for an organizational meeting. Each person is to serve for a term of one year. Initially, the appointment and the effective date of service may be made on passage of the ordinance and each member shall serve for a longer period than one year, if such appointments are made prior to May of the year of passage of the ordinance. None of the committee members may be an elected or an appointed official of the Town or be employed by the Town.

Sec. 3.02.03 **Duties**

The committee shall only possess the powers and perform those duties assigned to such committees under [sec. 60.56\(1\)\(am\)1](#), Wis. Stats., said powers and duties being specifically described [sec. 62.13\(5\)](#), Wis. Stats., as modified or amended from time to time.

Sec. 3.02.04 **Compensation**

The members of the committee shall be entitled to a \$50.00 per diem.

TITLE 4 PUBLIC WORKS AND PARKS

Chapter 4.01	Roads
Chapter 4.02	Boat Landing Entrance Fees

CHAPTER 4.01 ROADS

Sec. 4.01.01	Generally
Sec. 4.01.02	Workmanship and Materials
Sec. 4.01.03	Road Names

Sec. 4.01.01 Generally

- A. No road, street, or highway shall be accepted or designated a town road, street, or highway until or unless it has been constructed or will be constructed in accordance with this Chapter.

Sec. 4.01.02 Workmanship and Materials

All roads, streets, and highways shall be constructed in good workmanship-like manner and shall be done in accordance with the following specifications:

- A. Width of right of way subject to approval by Town Board. The size and placement of culverts shall be recommended by the Town Board Public Works Committee. Only steel culverts will be acceptable.
- B. The paved portion of the roadway shall be no less than 20 feet, and in some cases additional width may be requested. The completed road, street, or highway shall have a 12" wide compacted, gravel shoulder flush with the top of the blacktop mat.
- C. A six (6) to eight (8) inch base of sand depending upon the soil and terrain of the area.
- D. Eight (8) inches of gravel base.
- E. A minimum of two (2) inches of hot mix blacktop mat.

- F. If in the event the proposed road, street, or highway terminates without connecting to another Town road, or in other words it is a “dead end,” a turnaround shall be designed and completed. The turnaround shall be at a minimum of 20 feet wide and extend back 50 feet from the blacktop edge, built to the specifications set forth in Subsections (A)-(E), above. The Public Works Committee shall review the turnaround, its location, and make a recommendation to approve or deny to the Town Board.
- G. No building permit shall be issued for any well, sewer, or building construction on any lots fronting the new Town Road until the Town Board has approved and accepted the road, street, or highway pursuant to the specifications of this Chapter and other Town ordinances. Upon a case-by-case basis, building permits may be approved prior to the completion of the Town road, street, or highway, however, in that even a bond must be furnished to the Town in an amount sufficient to assure completion of the project. The bond shall be in a form, and comply with, the items requested by the Town’s attorney. In any event, if the placement of the blacktop mat has been delayed as a result of this procedure, it shall be in place in the second year from the date of initial construction.

Sec. 4.01.03 **Road Names**

In accordance with [sec. 82.03\(7\)](#), Wis. Stats., which requires the assignment of names for each road under a town’s jurisdiction, the town board of the Town of LaValle assigns:

- A. “Emerald Drive” to the following road, described as: A parcel of land located in the NE $\frac{1}{4}$ of Section 36, T13N, R3E, Town of LaValle, Sauk County, Wisconsin, bounded by a line described as follows: Commencing at the Southeast corner of Lot 3 of Sauk County Certified Survey Map No. 2758, said point being the point of beginning; thence S09D10’08”W, 68.68 feet; thence S82D35’48”W, 310.26 feet; thence S61D03’42”W, 158.80 feet; thence S36D06’43”, 213.09 feet; thence S43D11’42”W, 173.75 feet to a point on the Northerly right-of-way line of S.T.H. ‘33’; said point being on a curve to the right having a radius of 2814.90 feet and a central angle of 01D25’05”; thence Northwesterly, 69.97 feet along the arc of the curve, the long chord of which bears N63D10’41”W, 69.97 feet; thence N43D11’42”E, 196.14 feet; thence N36D06’43”, 216.72 feet; thence N61D03’42”E, 185.96 feet; thence N82D35’48”E, 297.45 feet; thence N09D10’08”E, 30.00 feet; thence N82D35’48”, 45.00 feet; thence S09D10’08”W, S09D10-’08”W, 30.00 feet to the point of beginning. Said parcel contains 1.40 acres, more or less.

CHAPTER 4.02

BOAT LANDING ENTRANCE FEES

Sec. 4.02.01	Scope
Sec. 4.02.02	Adoption of County Ordinances
Sec. 4.02.03	Grant of Authority for Enforcement
Sec. 4.02.04	Boat Landing Hours
Sec. 4.02.05	Use of Boat Landing Piers; Swimming Prohibited
Sec. 4.02.06	Boat Landing Signs
Sec. 4.02.07	Penalties

Sec. 4.02.01 **Scope**

The regulations of this Chapter shall apply to all boat landings owned, leased, or administered by the Town of LaValle.

Sec. 4.02.02 **Adoption of County Ordinances**

The park entrance fees as set forth generally in Chapter 10 of the Sauk County Code of Ordinances and specifically in Sections 10.04 and 10.05 of the Sauk County Code of Ordinances, as may be amended from time to time, are hereby adopted and incorporated by reference.

Sec. 4.02.03 **Grant of Authority for Enforcement**

In addition to Town enforcement, the employees, agents and officers of the County of Sauk are hereby authorized to enforce the fees and town regulations at all boat landings owned, leased, or administered by the Town of LaValle.

Sec. 4.02.04 **Boat Landing Hours**

All boat landings shall be closed for public use from the hours of 10:00 p.m. to sunrise, except for the unloading and loading of boats.

Sec. 4.02.05 **Use of Boat Landing Piers; Swimming Prohibited**

Boat landing piers are to be used exclusively for the loading or unloading boats. No other purpose is allowed, including but not limited to: swimming off or near the boat landing piers, loitering on any boat landing pier, or interfering with the proper use of the boat landing piers. As used in this Section, “loiter” means to remain in an area for no obvious reason or justification.

Sec. 4.02.06 **Boat Landing Signs**

No person may post any notice on any Town signs, structures, or buildings within any Town boat landing without prior approval from the Town Clerk. The person shall post notice in a manner that does not damage the sign, structure, or building to which the notice is posted.

Sec. 4.02.07 **Penalties**

- A. First Offense. Any person violating any provisions of this Chapter and upon conviction, shall forfeit Fifty Dollars (\$50.00) together with costs of prosecution and any applicable court costs and fees.
- B. Second Offense. Any person violating any provisions of this Chapter and upon conviction of a second or subsequent offense, shall forfeit not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) together with costs of prosecution and any applicable court costs and fees.

TITLE 5 PUBLIC UTILITIES

CHAPTER 5.01 [RESERVED]

CHAPTER 5.01 [RESERVED]

TITLE 6 HEALTH AND SANITATION

Chapter 6.01 Refuse and Recycling

CHAPTER 6.01 REFUSE AND RECYCLING

Sec. 6.01.01	Purpose
Sec. 6.01.02	Statutory Authority
Sec. 6.01.03	Abrogation and Greater Restrictions
Sec. 6.01.04	Interpretation
Sec. 6.01.05	Severability
Sec. 6.01.06	Applicability
Sec. 6.01.07	Administration
Sec. 6.01.08	Definitions
Sec. 6.01.09	Prohibited Waste
Sec. 6.01.10	Construction Demolition Waste
Sec. 6.01.11	Separation of Recyclable Materials
Sec. 6.01.12	Separation Requirements Exempt
Sec. 6.01.13	Care of Separated Recyclable Materials
Sec. 6.01.14	Management Lead Acid Batteries, Major Appliances, Used Oil and Yard Waste
Sec. 6.01.15	Preparations and Collection of Recyclable Material
Sec. 6.01.16	Responsibilities of Owners or Designated Agents
Sec. 6.01.17	Prohibitions on Disposal of Recyclables
Sec. 6.01.18	Enforcement

Sec. 6.01.01 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 the Chapter NR 544, Wis. Administrative Code. To reduce the burden of our citizens with their recycling, the Town maintains a drop off site with adequate containers for all recyclable material. Recycle for a better community, state and world.

Sec. 6.01.02 **Statutory Authority**

This Ordinance is adopted as authorized under s.287.09(3)(b), Wis. Stats., and the Town Board.

Sec. 6.01.03 **Abrogation and Greater Restrictions.**

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

Sec. 6.01.04 **Interpretation**

In their interpretation and application, the provisions of this Chapter 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 Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Admin. Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect on the date of the adoption of this Chapter, or in effect on the date of the most recent text amendment to this Chapter.

Sec. 6.01.05 **Severability.**

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

Sec. 6.01.06 **Applicability**

The requirements of this ordinance apply to home owners within the Town of LaValle, Sauk County, Wisconsin. Only waste and recyclables as described in this ordinance and generated in the Town will be accepted.

Sec. 6.01.07 **Administration**

The provisions of this Chapter. The Town will provide one identification card per resident, and this identification card must be shown when using the Town's waste and recycling drop-off site. The Town may provide additional identification cards for \$5.00.

For the purposes of this Chapter:

- A. “Bi—metal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- B. “Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.
- C. “Foam polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - (1) Is designed for serving food or beverage, or
 - (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container, or
 - (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- D. “HDPE” means high density polyethylene, labeled by the SPI code #2.
- E. “LDPE” means low density polyethylene, labeled by the SPI code #4.
- F. “Magazines” means magazines and other materials printed on similar paper.
- G. “Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven refrigerator or stove.
- H. “Multiple-family dwelling” means a property containing 5 or more residential units, including those that are occupied seasonally.
- I. “Newspaper” means a newspaper and other materials printed on newsprint.
- J. “Non-residential facilities and properties” means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- K. “Office paper” means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- L. “Other resins or multiple resins” means plastic resins labeled by the SPI code #7.

- M. “Person” includes any individual, corporation, partnership, association, local governmental unit as defined in [sec. 66.0131\(1\)\(a\)](#), Wis. Stats., state agency or authority, or federal agency.
- N. “PETE” means polyethylene terephthalate, labeled by the SF1 code #1.
- O. “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.
- P. “Postconsumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in [sec. 287.01\(7\)](#), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in [sec. 289.01\(17\)](#), Wis. Stats.
- Q. “PP” means polypropylene, labeled by the SPI code #5.
- R. “PS” means polystyrene, labeled by the SP1 code #6.
- S. “PVC” means polyvinyl chloride, labeled by the SP1 code #3.
- T. “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.
- U. “Solid waste” has the meaning specified in [sec. 289.01\(33\)](#), Wis. Stats.
- V. “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- W. “Yard waste” means leaves, grass clippings, yard and garden debris. This term does not include stumps, roots or shrubs with intact root balls.

Sec. 6.01.09**Prohibited Waste**

The following will not be accepted at the drop off site:

- A. Florent Bulbs
- B. Gasoline, fuel oil and oil tanks or barrels
- C. Contaminated oil
- D. Antifreeze
- E. Hazardous waste (liquid paint, chemicals, fertilizers, toxic waste, flammable materials, explosives, medical waste, etc.)
- F. Asphalt shingles
- G. Lithium Batteries
- I. Construction and Remodeling Waste

Sec. 6.01.10 Construction/Demolition Waste

Construction and demolition waste is prohibited at the drop-off site. (ex: new construction, remodeling) If you have construction or demolition waste you shall contract with a private disposal company for removal.

Sec. 6.01.11 Separation of Recyclables Materials

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

- A. Lead acid batteries
- B. Appliances and Household Appliances that contain Refrigerants
- C. Used Automotive Oil
- D. Yard waste
- E. Aluminum containers
- F. Bi-metal containers
- G. Corrugated paper or other container board
- H. Copper wiring and tubing
- I. Glass containers
- J. Magazines
- K. Newspaper
- L. Office paper
- M. Rigid plastic numbers 1 thru 7
- N. Electronic devices prohibited from disposal under sec. 287.07(5)(a), Wis. Stats.
- O. Steel Containers
- P. Tires

Sec. 6.01.12 Separation Requirements Exempted.

The separation requirements of Section 6.01.10 do not apply to the following:

A. Occupants of family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 1.11 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 s. 1.1(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 2.87.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

Sec. 6.01.13 Care of Separated Recyclables Materials.

To the greatest extent practicable, the recyclable materials separated in accordance with 1.11 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.

Sec. 6.01.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste

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

- A. Lead acid batteries shall be brought to drop off site for recycling.
- B. Major appliances that contain refrigerant, tires, electronics, other appliances, and other large items will be accepted year-round for a fee, which may be modified by the Town Board at any time by resolution.

- C. Used Automotive Oil shall be kept free of contaminants (ex: antifreeze, water, etc.) and placed in tanks provided at drop off site.
- D. Yard waste (ex: leaves, grass, branches, garden waste, etc.) shall be kept separate and put in area as directed by drop off site attendant.

Sec. 6.01.15 Preparation and Collection of Recyclables Material.

Except as otherwise directed by Town Board, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in subsections 1.11 through All recyclable items shall be brought to the drop off site, separated, and placed in proper container as directed by site attendants. All trash and recycling containers shall not exceed 50 pounds. All paper items can be placed in a cardboard box not to exceed 50 pounds.

- A. Aluminum containers.
- B. Bi-metal containers.
- C. Corrugated paper, magazine, newspaper, office paper. Preferably broken down.
- D. Copper wiring and tubing.
- E. Glass containers preferably caps removed.
- F. Rigid plastic containers shall be collected as follows: numbers 1 thru 7.
- G. Steel Containers

Sec. 6.01.16 **Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings and Owners or Designated Agents of Non-Residential Facilities and Properties.**

Owners or designated agents of multiple-family dwellings shall do all the following to recycle the materials specified in subsections 6.01.10(E) through (N):

- A. Provide adequate, separate containers for the recyclable materials.
- B. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- C. 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.
- D. Notify users, tenants and occupants which materials are collected, collection methods sites locations and hours of operation.

Sec. 6.01.17 **Prohibitions on Disposal of Recyclables**

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 subsections 6.01.10(E) through (N) which have been separated for recycling.

Sec. 6.01.18 **Enforcement**

- A. For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the Town of La Valle, Sauk County, Wisconsin may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of 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 La Valle who requests access for purposes of inspection, and who presents appropriate credentials. Nor person may obstruct, hamper, or interfere with such an inspection.
- B. Any person who violates a provision of this Chapter may be issued a citation by the Town of La Valle to collect forfeitures. 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.

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

- (1) Any person who violates Section 6.01.17 may be required to forfeit One Hundred Dollars (\$100.00) for a first violation, Five Hundred Dollars (\$500.00) for a second violation, and not more than Two Thousand Dollars (\$2,000.00) for a third or subsequent violation, in addition to courts costs and fees as allowed by statute.
- (2) Any person who violates a provision of this Chapter other than Section 6.01.17 may be required to forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for each violation, in addition to courts costs and fees as allowed by statute.

TITLE 7 LICENSING AND REGULATION

Chapter 7.01	Intoxicating Liquors and Fermented Malt Beverages
Chapter 7.02	[RESERVED]
Chapter 7.03	Building Code
Chapter 7.04	[RESERVED]
Chapter 7.05	Driveway Permits
Chapter 7.06	Driveway Inspections

CHAPTER 7.01 INTOXICATING LIQUORS AND FERMENTED MALT BEVERAGES

Sec. 7.01.01	State Statutes Adopted
Sec. 7.01.02	Licenses, Permits, Authorization Required
Sec. 7.01.03	License Fees
Sec. 7.01.04	License Application
Sec. 7.01.05	Restrictions on Granting Licenses
Sec. 7.01.06	Conditions of Licenses
Sec. 7.01.07	Opening and Closing Hours
Sec. 7.01.08	Transfer of Licenses
Sec. 7.01.09	Violations by Agents or Employees

Sec. 7.01.01 State Statutes Adopted

The provisions of Chapter 125, Wis. Stats., and all future deletions, additions or amendments exclusive of any provisions thereof relating to the penalty to be imposed or punishment for violation of such statutes, are hereby adopted and made a part of this Chapter by reference. A violation of any such provision shall constitute a violation of this Chapter.

Sec. 7.01.02 Licenses, Permits, Authorization Required

- A. When Required. No person except as provided by [sec. 125.06](#), Wis. Stats., shall within the Town of LaValle, serve, sell, manufacture, rectify, brew or engage in any other activity for which this Chapter or Chapter 125, Wis. Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this Chapter.
- B. Separate License Required for Each Place of Sale. Except for licensed public warehouses, a license shall be required for each location or premises which is

in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale.

Sec. 7.01.03 License Fees

The following non-refundable fees shall be charged for licenses issued by the Town of LaValle for the sale of intoxicating liquors and fermented malt beverages within the Town:

- A. Class “A” Fermented Malt Beverage License - \$75.00 per year or fraction thereof.
- B. Class “B” Fermented Malt Beverage License - \$100.00 per year or fraction thereof.
- C. Temporary Class “B” Fermented Malt Beverage License - \$10.00 per event.
- D. Temporary “Class B” Wine Cooler License - \$10.00 per event.
- E. Temporary Class “B”/ “Class B” (beer and wine cooler) - \$10.00 per event.
- F. “Class A” Intoxicating Liquor License - \$150.00 per year or fraction thereof.
- G. “Class B” Intoxicating Liquor License - \$500.00 per year or fraction thereof.
- H. Operator’s License - \$10.00 per year or fraction thereof.
- I. Wholesaler’s fermented malt beverage license - \$25.00 per year or fraction thereof.
- J. Agent change - \$10.00
- K. Transfer from one premises to another - \$10.00 per transfer.

Sec. 7.01.04 License Application

- A. Application. Any person or persons applying for the licenses set forth above shall complete an application form for that license which can be obtained from the Town Clerk. No license for the sale of alcohol beverages may be delivered to the applicant until the applicant files with the Town Clerk a receipt showing payment of the license fee to the Town Treasurer. No applicant shall be required to pay a license fee more than thirty (30) days prior to the date the license is to be issued. The Town Clerk will refuse to accept any incomplete application. In the event that the license application is not a renewal, the applicant must appear at the Town Board meeting at which the application will be considered. It is the obligation of the applicant to determine the date of that Town Board meeting and failure to attend shall serve as a basis for the denial of the application. All applications shall be

submitted to the Town Clerk not less than ten (10) days before the Town Board meeting at which the application will be considered. In the event that the application is not filed in this period the application shall be taken up by the Town Board at its next regularly scheduled meeting, or at the discretion of the Town Board, at a special meeting.

- B. Investigation and Review Upon the filing of a properly completed application along with the appropriate application fee, the Town Clerk shall notify, where applicable, the Town Constable, Town Health Officer, Town Fire Inspector and Town Building Inspector. These officials shall make such inspections as they shall deem necessary to determine whether the applicant and, where applicable, the premises sought to be licensed, comply with Town Ordinances and all state and federal laws. An investigation report shall then be forwarded to the Town Clerk for presentation to the Town Board. If time permits the Clerk shall notify the applicant of the results of the inspections prior to the Town Board meeting at which the application will be considered.
- C. Appearance. The applicant shall appear before the Town Board. It is the applicant's obligation to determine the appropriate date for appearance. Failure to appear for all non-renewal licenses and for all renewals when a specific request for attendance has been made shall serve as a basis for denying the issuance of a license. In the event an inaccurate or incomplete application is filed, the Town Board may:
 - (1) Refuse to accept the application in which case the applicant shall be required to refile, or
 - (2) Ask for the filing of the appropriate information in which case the submission of that application to the Town Board may be delayed for a period of not more than two (2) months.
- D. Issuance and Re-Issuance by the Town Board. At such time as the Town Board has completed its review of the application it shall schedule the matter for consideration at its next regularly scheduled meeting or special meeting called for that purpose. In the event that the Town Board denies the application, the applicant shall be entitled to a refund of the application fee paid if a written request for the refund is made to the Town Clerk within five (5) days of the denial. It shall be the obligation of the applicant to contact the Town Clerk to determine whether or not the license was granted. In applying for a license, the applicant is consenting to periodic reviews of all outstanding licenses. The Town Board may request follow-up investigations from the individuals listed in Section 7.01.04(B) and supplementary information from the applicant.
- E. Delinquent Assessments. No initial or renewal of fermented malt or intoxicating beverage license shall be granted for any premises for which taxes, assessments or other claims of the Town are delinquent and unpaid. No initial or renewal fermented mal and intoxicating beverage license shall be

granted to any person who is delinquent in payment of any taxes, assessments or other claims owed to the Town and/or is delinquent in payment of forfeitures resulting from the violation of any ordinance in the Town.

- (1) Procedure to Deny License Renewal Request. A license renewal request may be denied only for the causes specified in Wis. Stat. s.125.12(2)(ag) for revoking a license. Prior to the time for renewal of the license, the Town Board by its Town Clerk must notify the licensee in writing of its intent to deny renewal of the license and the reason(s) for doing so. The licensee must be provided with an opportunity for a hearing. The hearing procedure for nonrenewal is the same as that for revocation or suspension under s.125.12(2)(b), which is described under Sec. 7.01.06(A)(6) of this Chapter. The Town Board may not deny an application for renewal of an existing license unless the reason for denial is included in the Town Clerk's minutes.

Sec. 7.01.05 **Restrictions on Granting Licenses**

In addition to the restrictions imposed upon the granting of licenses by the statutes adopted by section 7.01.01 above, the following restriction shall apply:

No retail Class "B" or "Class B" license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Town of LaValle.

Sec. 7.01.06 **Conditions of Licenses**

In addition to the conditions imposed by the state statutes adopted in sec. 7.01.01 above, the following restrictions shall apply to licenses issued hereunder:

- A. Every applicant procuring a license thereby consents to the entry of the Town Constable or other duly authorized representatives of the Town of LaValle 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 such things and articles in evidence in any prosecution that may be brought for such offenses.
- B. Provisional Licenses
 - (1) Purpose. This subsection allows for the issuance of a provisional license to those applying for an operators (bartenders) license for service or sale of alcoholic beverages. A provisional license may only be issued to those persons that have not completed a responsible

beverage service course and exhibited proof of compliance with that training standard set forth in [sec. 125.17\(6\)](#), Wis. Stats. A provisional license allows time to obtain training required for working without supervision of another licensed person in a Class A or B business organization.

- (2) Eligibility. Each applicant must be at least eighteen (18) years of age, and have completed an application form supplied by the clerk in order for the board to consider approval. All arrests and convictions of the applicant shall be disclosed on the application or an attached sheet. The applicant for a provisional license must present, with the application, proof that the applicant is enrolled in a training course under [sec. 125.17\(6\)\(a\)](#), Wis. Stats.
- (3) Term. The provision license shall be effective until a certificate or other proof of compliance with training requirements is presented to the clerk. In no case will the provisional license be effective more than sixty (60) days after issuance. The issuance date, final date of validity, or both, shall be placed on the license from when issued.
- (4) Issuance. Upon written application for a provisional license, the clerk shall conduct a record check for past crimes or arrests. If the applicant has no past crimes or arrests as verified by the record check, the clerk is authorized to issue a provisional license to the applicant which shall be renewed by the town board at the next regularly scheduled town board meeting. In the event a person requests issuance of a provisional license extension, and has received prior town board approval of the original provisional license, the clerk is authorized to issue a renewal of the provisional license upon written application.
- (5) Fees. The fee for a provisional license shall be Five Dollars (\$5.00). This fee must be paid by or for the applicant prior to issuance of a provisional bartender license. This fee amount will not exceed Fifteen Dollars (\$15.00) unless state law and this Section are amended.
- (6) Revocation. In the event, following issuance, it is discovered a part of the license application was false, that in the clerk's judgment, might have affected the board's decision on whether to license, including but not limited to past crimes or arrests, then the clerk may revoke said license. Upon making such a decision, the clerk shall mail or have a written notice delivered to the license holder, notifying the person of the action taken, the reason(s) for such action, and the right to have a license review hearing before the town board, upon the applicant's written request. When a request for hearing is made, the board shall follow general procedures as set forth in [sec. 125.12](#), Wis. Stats., although no complaint is required. The clerk shall notify the licensee of the board time scheduled for hearing the matter, by mail or

delivery. Any mail notice in this ordinance is sufficient if mailed by first class to the last known address of the licensee, in an envelope containing the return address of the town or clerk. No request for a license review hearing is valid when received past the final day the provisional license would have been effective.

- C. Except as provided under Chapter [125](#) of the Wisconsin Statutes, no premises operating under a Class “A” or Class “B” license or permit may be open for business unless there is upon the premises, the licensee, the agent named in the license or the licensee of the corporation, the agent named in a Class “B” permit or some person who has an operator’s license and who is responsible for all persons serving any fermented malt beverages to customers. For the purpose of this subsection, any person holding a manager’s license under [sec. 125.18](#), Wis. Stats., or any member of the licensee’s immediate family who has attained the legal drinking age shall be considered the holder of an operator’s license. No person, including under age members of the licensee’s immediate family, other than the licensee or agent may serve fermented malt beverages in any place operated under a Class “A” or Class “B” license or permit unless he or she has an operator’s license or is at least eighteen (18) years of age and is under the immediate supervision of licensee or agent or a person holding the operator’s license, who is on the premises at the time of the service.
- D. Legal drinking age means twenty-one (21) years of age.
- E. No club shall sell fermented malt beverages or intoxicating liquors except to members and to guests invited by members. It shall be unlawful for any one holding either a Class “B” fermented malt beverage or a “Class B” intoxicating liquor license or a duly authorized operator’s permit to sell or permit to be sold any intoxicating liquor or fermented malt beverage in an original and open package, container or bottle or any intoxicating liquor or fermented malt beverage for consumption away from the premises between the hours of 12:00 p.m. and 6:00 a.m. 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 or on any licensed premises.
- F. A “Class B” intoxicating liquor license may be issued only to the holder of a retail “Class B” license to sell fermented malt beverages.
- G. It shall be a condition of maintaining and keeping a license in the Town of LaValle that the licensee continues in business. Issuance of, or retention of, a license by a party not doing business, is hereby declared to be against public policy and lacking in usefulness.
 - (1) “Business continuation” is defined as being open for at least one calendar week in at least nine months each year. “Open” means conducting business publicly.
 - (2) In the event any licensed party violates this Chapter, disciplinary action may be taken by the town board, including reprimand, suspension of the license for a

specified number of days (up to 90 days), or revocation of the license. Any license that has been revoked shall not be reinstated within the following six months. Any disciplinary action taken shall follow notice to the licensee prior to a hearing. Both the hearing notice, which will include the reason of the hearing, and the decision of the board, will be sent by first class mail to the last known address of the licensee, or personally served, at the option of the town chairperson.

- (3) In the event disciplinary action is taken against an alcohol licensee, the state procedure mandated under [sec. 125.12](#), Wis. Stats., or its successor, will be followed. At present, said procedure requires personal notice of the hearing (summons and complaint), and a hearing within not less than 3 nor more than 10 days thereafter.
- (4) There shall be no refund of any license fee paid to a party whose license is revoked.
- (5) In lieu of a hearing, the town board may accept surrender of the license, and the board shall then determine the time period before another application for the same type of license will be accepted from the former licensee.
- (6) Evidence and testimony at the hearing shall be done in open session. Pursuant to [sec. 19.85\(1\)\(a\)](#), Wis. Stats., the board may go into closed session to deliberate with regard to its decision, where that possibility has been listed on the hearing notice posted or published. The Clerk shall see that the hearing notice is posted or published, in format acceptable to the chairperson.

H. A “Class B” license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container in multiples not to exceed four (4) liters at any one time, and to be consumed off the premises where sold. A retail “Class B” license authorizes the sale of wine for consumption off the premises in the original package or otherwise in any quantity.

Sec. 7.01.07 **Opening and Closing Hours**

No premises for which the following licenses have been issued may remain open during the hours specified hereafter:

- A. If a retail Class “A” license between 12:00 midnight and 8:00 am.
- B. If a retail “Class A” license between 9:00 pm, and 8:00 a.m.
- C. If a retail Class “B” or “Class B” license between 2:00 am, and 6:00 a.m. except on January 1 when such licensees are not required to close. On Saturday and Sunday no such premises shall remain open between 2:30 a.m. and 6:00 a.m.

- D. No intoxicating liquor or fermented malt beverage shall be consumed upon any licensed premises after said closing hours, and said premises shall be promptly vacated at such closing hours by all persons except the owner and his regular employees.

Sec. 7.01.08 **Transfer of Licenses**

- A. As to Person. No license shall be transferable as to licensee except as provided by [sec. 125.04\(12\)\(b\)](#), Wis. Stats.
- B. As to Place. Licenses issued pursuant to this section may be transferred as provided in [sec. 125.04\(12\)\(a\)](#), Wis. Stats. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

Sec. 7.01.09 **Violations by Agents or Employees**

A violation of this section by an authorized agent or employee or a licensee shall constitute a violation by the licensee.

CHAPTER 7.03

BUILDING CODE

Sec. 7.03.01	Purpose and Statutory Authority
Sec. 7.03.02	Scope
Sec. 7.03.03	Definitions
Sec. 7.03.04	Building Permit Required
Sec. 7.03.05	Wisconsin Administrative Code Adopted
Sec. 7.03.06	Foundations
Sec. 7.03.07	Building Inspector
Sec. 7.03.08	Submission of Plans
Sec. 7.03.09	Issuance of Permit
Sec. 7.03.10	Occupancy Permit
Sec. 7.03.11	Exterior Finishes
Sec. 7.03.12	Fees
Sec. 7.03.13	Violations and Penalties
Sec. 7.03.14	Special Assessment
Sec. 7.03.15	Stop Work Orders
Sec. 7.03.16	No Liability for Damages

Sec. 7.03.01 **Purpose and Statutory Authority**

The purpose of this Chapter is to promote the health, safety and welfare of the Town of LaValle, and is adopted pursuant to secs. [60.22\(1\)](#), [66.1019](#), and [101.65](#), Wis. Stats.

Sec. 7.03.02 **Scope**

The Town Board of the Town of LaValle, Sauk County, Wisconsin, hereby ordain that this building code shall apply to all dwellings, trailers, mobile homes, pre-fabricated housing, modular homes, manufactured homes, including detached garages, boathouses located in the Town of LaValle, except out-buildings used exclusively for agricultural purposes, children's play structures, dog kennels, portable storage shed of less than one hundred twenty (120) square feet in area and commercial buildings.

Sec. 7.03.03 **Definitions**

For the purpose of this Chapter, the following definitions shall apply:

- A. "Department" means the Department of Commerce.

Sec. 7.03.04 **Building Permit Required**

- A. Prior to commencing any of the following work, the owner or agent shall seek and obtain a valid permit from the Town of LaValle building inspector:
 - (1) New one and two family dwellings:
 - (2) Additions and alterations that increase the habitable dimensions of a dwelling, including decks, additions and alterations made to one or two family dwellings including those built prior to June 1, 1980;
- B. Exempted are all alterations including, but not limited to, re-siding, finishing of interior surfaces, installation of cabinetry, re-roofing and minor repairs as determined by the building inspector. However, unless structural calculations are provided, no more than two layers of roofing shall be installed on a roof.

Sec. 7.03.05 **Wisconsin Administrative Code Adopted**

The following chapters of the Wisconsin Administrative Code and subsequent revisions are adopted for enforcement by the Town of LaValle:

- A. Ch. COMM 16 Electrical Code
- B. Chs. COMM 20-25 Uniform Dwelling Code
- C. Ch. COMM 28 Smoke Detectors
- D. Chs. COMM 81-86 Uniform Plumbing Code

Sec. 7.03.06 **Foundations**

The placement of any permanent structure, family dwelling, or habitable living structure, shall be permanently and securely placed on a sufficient foundation in order to comply with all of the rules and regulations of this ordinance as well as any other state or county regulation. A foundation by definition, must consist of any one of the following:

- A. A frost wall constructed of concrete masonry or wood, which is 48 inches or more below grade, or
- B. A floating slab (grade beam) foundation constructed of concrete, or
- C. A complete basement constructed of either concrete masonry or treated wood materials.

The use of “piers”, constructed of any type of material, is hereby prohibited. The Town has reviewed with its building inspector this conditions which would have allowed the use of piers as a foundation and has specifically found that a safer and more consistent environment for housing would preclude the use of such “piers” Specifically, the weight bearing characteristics of the “piers” as opposed to the use of the other types of foundations, precludes the use of this type of foundation.

Sec. 7.03.07 **Building Inspector**

- A. The Town Board shall provide for building inspections for the Town of LaValle. Building inspections for the Town of LaValle may be provided in any manner including:

- (1) Establishing an Office of Building Inspector, or
- (2) Contracting with any qualified person, or
- (3) Contracting with any qualified agency.

The building inspector shall be certified by the Wisconsin Department of Commerce in the categories specified by administrative rule.

- B. Duties. The Building inspector shall administer and enforce all provisions of this Chapter.
- C. Powers. The building permit shall constitute authority for the Building Inspector or an authorized certified agent at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. In case of an occupied dwelling, the Inspector must have reasonable cause to believe non-complying work is being done before entering the dwelling. No person shall interfere with or refuse permit access to any such premises to the Building Inspector or his/her agent while in the performance of his/her duties.
- D. Records. The Building Inspector shall perform all administrative tasks required by the department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record readily accessible to the Town Board, of all applications for building permits in a separate book established for such purpose and shall regularly number each permit in the order of its issuance.

Sec. 7.03.08 **Submission of Plans**

Two sets of building plans shall be submitted to the building inspector for any work valued over \$5,000.00, any work which expands the size of a building, any new building or as required by the building inspector. If a new building or building addition is proposed, then a plot plan showing such work and existing buildings and property lines shall be submitted. In properties

located in subdivided areas, the plot for such new building, building addition or alteration shall be physically staked out, so that the setbacks can be inspected.

Sec. 7.03.09 **Issuance of Permit**

- A. The building inspector shall issue the required permit after all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location. Permits are valid for two (2) years.
- B. Permits for double-wide manufactured homes.
 - (1) Double-wide manufactured homes and modular homes which do not meet the State Building Code, but however, comply with all of the rules and regulations promulgated by the Federal Government through the Department of Housing and Urban Development be granted building permits so long as they comply with this resolution and any ordinance in conformance thereof.
 - (2) In addition to complying with the regulations developed by the Department of Housing and Urban Development, all such units be placed on or built upon a foundation as required under the State Uniform Building Codes and in addition that the foundation comply with the State Plumbing and Heating Codes with respect to mechanical systems and electrical systems.
 - (3) All such modular units and double-wide manufactured homes shall comply with any applicable county ordinance or restriction.

Sec. 7.03.10 **Occupancy Permit**

If no instances of non-compliance with the building code are found by the building inspector, then the building inspector shall issue an occupancy permit. If minor instances of non-compliance, other than health or safety items are in existence, the building inspector may issue a temporary occupancy permit for a specified term. Occupancy without an occupancy permit is in violation of this Chapter

Sec. 7.03.11 **Exterior Finishes**

All new construction subject to this Chapter shall have a weather-resistant, exterior finish. Tarpaper or similar material is not acceptable.

Sec. 7.03.12 **Fees**

At the time of building permit application, the applicant shall pay fees as established periodically by the Town Board. The fees shall be established annually by the Town Board and shall remain in effect until changed by the Town Board. If work commences prior to permit issuances, double fees may be charged by the building inspector.

Sec. 7.03.13 **Violations and Penalties**

Any person who violates any provision of this Chapter shall forfeit not less than Twenty-Five Dollars (\$25.00) or more than Five Hundred Dollars (\$500.00) for each violation. Each day that such violation continues constitutes a separate offense. The building inspector and the Police Department, or either one of them, may issue citations to any person allegedly violating this Chapter. The cash deposit for such citation shall be Fifty Dollars (\$50.00).

Sec. 7.03.14 **Special Assessment**

A special assessment is hereby levied against any property receiving building inspection services authorized and required by this Chapter. In addition to all the methods provided by law, and pursuant to [sec. 66.0703](#), Wis. Stats., the Town Board of the Town of LaValle may order that all unpaid charges and costs due it for building inspection authorized or required by this Chapter shall be a special assessment and a lien on the property benefited and against which it is levied on behalf of the Town of LaValle. The provisions of [sec. 66.0703](#), Wis. Stats., shall apply to the special assessments levied under this ordinance and unpaid special assessments shall be extended upon the tax roll as a delinquent tax against the property as provided for in said statute.

Sec. 7.03.15 **Stop Work Orders**

The inspector may issue a stop work order for a project to prevent further work that is not in compliance with the law and regulations.

Sec. 7.03.16 **No Liability for Damages**

This Chapter shall not be construed as an assumption of liability by the Town of LaValle for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

CHAPTER 7.05

DRIVEWAY PERMITS

Sec. 7.05.01	Purpose
Sec. 7.05.02	Town Authority Preserved
Sec. 7.05.03	Liability for damage of injury
Sec. 7.05.04	Definitions
Sec. 7.05.05	Application Requirements and Procedures
Sec. 7.05.06	Driveway and Culvert Location, Design, and Construction Requirements
Sec. 7.05.07	Notification of Violation
Sec. 7.05.08	Maintenance
Sec. 7.05.09	Enforcement
Sec. 7.05.10	Special Charges
Sec. 7.05.11	Violations

Sec. 7.05.01 Purpose

The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification, enlargement, or the reconstruction (collectively “construction”) of driveways in the Town to assure that the location and the construction of the driveways will promote the public health, safety, and general welfare of the Town of La Valle (Town), preserve agricultural land and productivity, and comply with the goals and policies set forth in the Town of La Valle Comprehensive Plan. For the safety of the general public, the Town shall determine the location, size, use, construction, and number of access points to public roadways within the Town.

Sec. 7.05.02 Town Authority Preserved.

The Town of La Valle, notwithstanding the issuance of any permit under this ordinance or the construction of any driveway pursuant to such permit, reserves all of its rights and authority to make or cause any changes, additions, repairs, reconstruction or relocation of any part of a driveway located within the public highway or road right-of-way at any time, including but not limited to, modifications that may be necessary or convenient in connection with the relocation, reconstruction, widening and/or maintaining the road, without compensating the owner of such driveway for damage to, or the destruction of, such driveway.

Sec. 7.05.03 Liability for Damage or Injury

The property owner shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly from the construction or repair of driveways, driveway approaches or entrances and culverts. When the driveway, driveway approach, or culvert is

constructed, it shall connect with the public roadway in an acceptable manner and shall further be constructed in accordance with this Ordinance and any conditions of approval of the Driveway Permit.

Sec. 7.05.04 **Definitions**

In this ordinance, the following words and phrase have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

- A. Driveway. A private driveway, private road, or other traveled way giving access from a public roadway to private property. As per Wis. Stat. § 340.01(46): “Private road or driveway” is every way or place in private ownership and used for vehicular travel only by the owner and those having express or implied permission from the owner.
- B. Emergency vehicles. Any fire, police, ambulance, or first responder vehicles used in emergency response.
- C. Highway or Road. As per Wis. Stat. § 340.01(22): all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel.
- D. Property Owner. The owner of real estate that is provided vehicular access to a public roadway by a driveway.
- E. Reconstruct, Relocate or Modify. To change the location of an access point of a driveway onto a roadway, or to change the general design, grade, width, or drainage of driveway. Reconstruct, relocate, or modify does not include re-surfacing driveways.
- F. Right-of-way – The strip of land acquired for or devoted for use as a public road or highway established under the authority of Wis. Stat. §82. The right-of-way for town roads is typically 66 feet wide.

Public Works Supervisor. Public Works Supervisor appointed by the Town Board to review applications for driveways, inspect driveways, and oversee the construction and maintenance of public roads.
- G. Roadway – As per Wis. Stat. § 340.01(54): that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the shoulder.

Sec. 7.05.05 **Application Requirements and Procedures**

- A. Permit Required. No person or entity shall establish, construct, improve, reconstruct, modify, or relocate a driveway or culvert within the road right-of-

way without first obtaining a Driveway Permit from the Town. A Driveway Permit is not required for re-surfacing driveways provide such resurfacing does not include changing the grade or location of the driveway or culvert.

B. Application. Application for a Driveway Permit shall be made in writing and submitted to the Town Clerk. The application shall include the fees required by this Ordinance and the following information:

- (1) A topographical map of the property identifying the slopes on the property, which can be downloaded from the Sauk County website. Link: <https://www.co.sauk.wi.us>
- (2) A plan of the proposed driveway(s) showing:
 - (a) the boundaries of the property,
 - (b) existing and proposed buildings and structures, including retaining walls, on the property,
 - (c) the location of existing and proposed driveways,
 - (d) the distances from the property lines to the centerline of the driveway,
 - (e) the width of the proposed driveway,
 - (f) the slope of the proposed driveway, and
 - (g) the location and size of existing and proposed culverts.
- (3) A copy of any erosion control plan required by Sauk County.
- (4) A copy of driveway access permit, if required, from Sauk County Highway Department for access to a county trunk highway or the State of Wisconsin Department of Transportation for access to a state trunk highway.
- (5) Application Review. The Town Clerk shall forward the completed application to the Public Works Supervisor for review for compliance with this Ordinance. The Public Works Supervisor shall review the application and perform a site review. Within 15 days of the date the completed application was received by the Town Clerk, the Public Works Supervisor shall either approve, deny, or conditionally approve the permit. If any unforeseen issues arise with the application the Public Works Supervisor may refer the permit application to the Town Board.

C. Permit Period. The Driveway Permit is effective for 2 years from the date it was approved. The Public Works Supervisor may renew the Driveway Permit for up to one additional 12-month period. If the driveway has not

been constructed by the end of the renewal period, a new application and fee must be submitted for consideration for approval.

- D. Driveway Inspection. The holder of the Driveway Permit shall notify the Town Clerk within 15 days of completion of the construction of the driveway. Within 30 days of notification, the Public Works Supervisor shall conduct an inspection of the driveway to ensure full compliance with all the provisions of this Ordinance and any Conditions of Approval on the Driveway Permit. The Public Works Supervisor may require the applicant to make such modifications as are necessary to for such compliance and specify a date by which the modifications must be completed.
- E. Building Permits. No Building Permit for new building construction shall be issued until a Driveway Permit has been approved and no building construction shall commence until the culverts, if required, and the crushed aggregate subbase for the driveway has been constructed. The final application of gravel or other approved surface improvements, may be delayed until after heavy equipment needed for building activities will no longer be using the driveway. The Public Works Supervisor may waive the requirement that the construction of the culvert and/or crushed aggregate subbase be completed prior to commencing construction of any building(s) if:
 - (1) Construction activities are reasonably unlikely to cause the tracking of soil, gravel, vegetation or other material onto the public roadway and
 - (2) Construction of the driveway is not necessary to allow for the safe and efficient access of construction vehicles entering or leaving the construction site.
- F. Application and Inspection Fees. The application fee for new construction of a driveway shall be a non—refundable fee of One Hundred Dollars (\$100.00). The application fee for modifications to an existing driveway shall be a nonrefundable fee of Fifty dollars (\$50.00). All application fees shall be paid in full when an application is submitted.

Sec. 7.05.06

Driveway and Culvert Location, Design, and Construction Requirements

- A. General Design. Driveways shall be of such width and so located that all of such driveway is within the public road right-of-way fronting on the property served. Driveways shall not provide direct ingress or egress to or from any public road intersection area and shall not encroach upon or occupy areas of the road right-of-way required for traffic control, street signs, or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the roadway. For snow

storage, driveway approaches on adjoining properties shall be at least ten (10) feet apart and there shall be at least five (5) feet from the edge of the driveway to the side property line.

- B. Slope. No land with a slope of more than 20%, measured over a minimum distance of 20 feet, shall be disturbed for the construction of a driveway. The maximum final slope of any portion of the driveway shall be no more than 12%.

(1) 14 Foot Height shall be cleared along the entire driveway for emergency vehicle access.

- C. Width. Agriculture Access Minimum

(1) The minimum surface width of a driveway providing access to a Agricultural Property shall be 40 feet. In instances where the nature of the agricultural activity or the physical characteristics of the land would require a driveway of lessor width, the Public Works Supervisor may grant special permission for a driveway of lesser width provided that the applicant establishes that the lesser additional width will not create any significant impairment of efficient traffic movements or cause any danger to the public.

(2) The surface improvements on all other driveways shall be a minimum of 20 feet wide.

- D. Juncture with Public Road. The slope of the driveway shall not exceed 5% from where the driveway enters the roadway to a minimum distance of 20 feet along the centerline of the driveway.

- E. Structures in Town Road Right Away 33 feet from Center of Road- No structures of any kind shall be constructed on any Road Right Away. including but not limited to concrete, stone, brick, wood or other types of retaining walls, pillars, walls, planters, trees, signs,

- F. Culverts.

(1) General. Culverts shall be installed prior to construction work being commenced on the property. All culverts shall be constructed of galvanized steel, concrete, or plastic or other material approved by the Public Works Supervisor, and shall be of sufficient gauge to provide adequate bearing capacity for vehicles expected to use the driveway.

- (2) Minimum Size. Culverts shall not be smaller than fifteen (15) inches in diameter.
- (3) Placement. Culverts shall be placed in the ditch line at elevations approved by the Public Works Supervisor so as to adequately convey water and assure proper drainage.
- (4) End walls. All culverts shall have flare end wall sections so that backfill and cover material will not erode into the bottom of the ditch and reduce the capacity of the ditch and culvert. End walls also serve a safety function in that vehicles that inadvertently enter the ditch way may not be stopped as abruptly by the flared end wall. End walls or abutments constructed of timber or rock or similar materials are prohibited.
- (5) Backfill and Cover Material. Culverts shall be covered with granular material compacted in place, or other material approved by the Public Works Supervisor. The minimum cover, measured from the top of the culvert to the top of the sub grade material, shall be six (6) inches if possible.
- (6) Connections to Town Culverts. Before any connection is made by an owner or developer, or by any contractor, agent or representative of any owner or developer, between an existing Town culvert, such owner or developer shall file, or cause to be filed, with the Town Clerk, an application for a permit setting forth the specifications of the culvert sought to be connected with such existing town culvert and setting forth the size and drainage capacity of any culvert proposed to be connected and constructed. The Public Works Supervisor shall promptly examine such application to ascertain whether the proposed culvert connection is adequate in size, quality and capacity for drainage. When such application, as filed or as amended to meet the requirements of this section, is approved by the Public Works Supervisor, the Town Clerk shall promptly issue such permit. No such connection shall be made until such permit has been issued. The Public Works Supervisor shall inspect the connection between the Town culvert and the privately owned culvert prior to the burial of such connection. Such permit shall be recorded in the Sauk County Register of Deeds office to give notice to all heirs, successors and assigns.

J. Drainage. Ditches along the road and culverts, if required for acceptable drainage, shall be provided by the property owner. The

driveway shall be planned, constructed, and maintained in a manner that prevents surface water from the driveway discharging onto the pavement of the roadway or onto the lands of other persons. The surface of the driveway connecting with roadway cross sections shall slope downward and away from the roadway a sufficient distance to prevent debris and ordinary surface water drainage flowing onto the roadway. No driveway apron shall extend into the pavement of the roadway. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of road, ditches, or roadside areas or with any existing structure on the road.

K. Surface Improvements

(1) Driveways shall be constructed of gravel, asphalt, or concrete.

L. Relocation of Utilities. Driveways should be planned as to not interfere with existing utilities. Approval by the owner of the respective utility is required before a Driveway Permit is issued that requires relocation of a utility. Cost of relocating utilities shall be the responsibility of the property owner.

M. Variances. The Public Works Supervisor may grant a variance to any of the above requirements where the peculiar nature of the property or the design of the roadway may make the rigid adherence to the above standards impossible or impractical. Variances, including justification for granting variances, shall be documented on the Driveway Permit

Sec. 7.05.07 Notification of Violation

The La Valle Town Board shall notify the property owner of any violations of this Ordinance or of any items that need to be completed pursuant to the terms of this Ordinance. Such notice shall be given to the property owner with a term of not less than fifteen days and not more than thirty days to correct or remedy the situation. However, if in the event the situation is one of an emergency, the time limits may be reduced. If in the event the violation, or completion of items, is not remedied within the required time period, the property owner will be subject to the sections relating to special assessments and penalties as provided in this Ordinance.

Sec. 7.05.08 Maintenance

A. Maintenance Responsibility. The property owner is responsible for maintaining the driveway approaches, culvert and ditch in such manner necessary to permit free and unobstructed flow of water. The Town does not assume any responsibility for the removal or clearance of snow and or ice, or the opening of windrows of such material, upon any portion of the driveway within the road right-of-way.

- B. Existing Driveways. When an existing driveway that does not meet the specifications established by this Chapter creates washing or other conditions that obstruct or become a potential hazard to a road, the Town shall notify the property owner of the conditions. If the property owner fails to correct such conditions within thirty (30) days after such notice, the property owner will be subject to the sections relating to special charges and penalties as provided in this Chapter.
- C. Public Road Improvements. When improvements to a roadway or drainage ditches are undertaken by the Town and require the removal of the that part of the driveway and/or culvert in the public road, the cost of reconstruction of the driveway and replacement of the culvert will be borne by the Town. The Town shall not be responsible for repair or replacement of concrete, stone, decorative pavement, brick, wood, end-walls, head walls, retaining walls, pillars, etc., constructed on the road right-of-way even if such were approved by the Town.

Sec. 7.05.09 **Enforcement**

The La Valle Police Department or Public Works Supervisor may issue a stop-work order if a driveway, culvert, or other permitted construction, or any part thereof, is being installed contrary to the terms of this ordinance, the terms of the permit, or without a permit. Stop work orders shall be complied with immediately.

Sec. 7.05.10 **Special Charges**

If any property owner violates this ordinance, the Town Board is authorized to implement any and all necessary actions in order to enforce the rules and regulations of this Ordinance. The costs incurred by the Town for the enforcement of this Ordinance, including any costs incurred to bring a driveway into compliance with this Ordinance or the terms of the owner's permit, shall be billed directly to the property owner as a special charge pursuant to Wis. Stat. § 66.0627.

Sec. 7.05.11 **Violations**

- A. Violations. Any person violates the provisions of this Ordinance shall, unless the violation is corrected within thirty (30) days of date of written notice from the Public Works Supervisor or La Valle Police Department, forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) per day plus all applicable assessments, surcharges and court costs

for each violation. Each day that any violation continues shall constitute a separate offense.

- B. Construction Without Permit. Any person who constructs or modifies any driveway without a permit as required by this ordinance, or who violates any stop work order issued by the Public Works Supervisor or enforced by the Town of La Valle, shall forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars \$(500.00) plus all applicable assessments, surcharges and court costs for each violation.

CHAPTER 7.06

DRIVEWAY INSPECTIONS

Sec. 7.06.01	Driveway Inspection
Sec. 7.06.02	Fees

Sec. 7.06.01 **Driveway Inspection**

The Public Works Supervisor shall conduct an inspection of the driveway to ensure full compliance with all the provisions of Chapter 7.05 and the terms of the permit. The Public Works Supervisor shall require the applicant to make such modifications as are necessary for full compliance and shall specify a date by which the modifications shall be completed.

Sec.7.06.02 **Fees**

The fees required in connection with each driveway inspection shall be determined as follows:

- A. An initial fee of One Hundred Dollars (\$100.00) will be required for each driveway inspection. Or an initial fee of Fifty Dollars (\$50.00) will be required for any maintenance on original driveway.
- B. Any additional fees incurred by the Town shall be paid by the applicant equal to the actual cost to the Town for inspection services deemed necessary by the Town to ensure that the design and construction of the proposed improvements are in compliance with the plans, specifications and ordinances of the Town or any other governmental authority with jurisdiction over the improvements.

CHAPTER 7.07

REGULATION OF ANIMALS

Sec. 7.07.01	Purpose
Sec. 7.07.02	Statutory Authority
Sec. 7.07.03	Certain Wild Animals Prohibited

Sec. 7.07.01 **Purpose**

The Town Board of the Town of La Valle, Sauk County, Wisconsin, hereby finds and determines that the regulation of the possession of certain animal species in the Town should be regulated in order to protect the well-being of live wild animals, to preserve the well-being, safety, and health of the public, to prevent a burden on limited Town resources, and to otherwise preserve the good order of the Town.

Sec. 7.07.02 **Statutory Authority**

This Chapter is adopted pursuant to direct statutory authority under sec. 169.43, Wis. Stats., and other implied statutory authority.

Sec. 7.07.03 **Certain Wild Animals Prohibited**

- A. No person may possess, keep, maintain, or have under his or her control within the Town any of the following animals or reptiles:
 - (1) All poisonous animals, reptiles, and insects;
 - (2) Apes, including Chimpanzees (pan), gibbons and siamangs (Hylobatidae), gorillas (gorilla), and orangutans (pongo);
 - (3) Old World Monkeys (Cercopithecoidea)
 - (4) New World Monkeys (Platyrrhini)
 - (5) Large felines, including but not limited to lions (panthera leo), jaguars (panthera onca), leopards (panthera pardus), tigers (panthera tigris), cougars (puma concolor), and cheetahs (acinonyx jubatus).
- B. Exceptions. The prohibitions of this Section shall not apply to persons possessing the animals temporarily in the Town for purposes of traveling educational demonstrations, shows, carnivals, circuses, or other events of limited duration provided the person is licensed as required by the state.

TITLE 8 MOTOR VEHICLES AND TRAFFIC

Chapter 8.01 General Traffic Regulations

CHAPTER 8.01 GENERAL TRAFFIC REGULATIONS

Sec. 8.01.01	State Traffic Laws Adopted
Sec. 8.01.02	References to Wisconsin Statutes
Sec. 8.01.03	Official Traffic Control Devices
Sec. 8.01.04	Speed Limits
Sec. 8.01.05	Stop Sign Locations
Sec. 8.01.06	Special Seasonal Weight Limitations
Sec. 8.01.07	Parking Regulations
Sec. 8.01.08	Abandoned Vehicles
Sec. 8.01.09	Penalties
Sec. 8.01.10	Enforcement

Sec. 8.01.01 State Traffic Laws Adopted

Except as otherwise specifically provided in this Chapter, the statutory provisions in Chapters [340 to 348](#) and [350](#) of the Wisconsin Statutes, describing and defining regulations with respect to vehicles, traffic and snowmobiles, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any regulations incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modification of the statutory regulations in Chapters 340 to 348 and 350 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin.

Sec. 8.01.02 References to Wisconsin Statutes

- A. Statutes Specifically Incorporated by Reference. Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 2003-2004 as from time to time amended, repealed or modified by the Wisconsin Legislature.

- B. General References. General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

Sec. 8.01.03

Official Traffic Control Devices

- A. Duty of Director of Public Works to Erect and Install Uniform Traffic Control Devices. Whenever traffic regulations created by this Chapter including a State of Wisconsin traffic regulation adopted by reference in Section 8.01.01, require the erection of traffic control devices or enforcement, the Director of Public Works shall procure, erect, and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Wherever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as in the judgment of the Director of Public Works will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Town of LaValle.
- B. Code Numbers to be Affixed to Official Traffic Control Devices. The Director of Public Works shall cause to be placed on each official traffic control sign, guide board, mile post, signal or marker erected under Subsection 8.01.03(A), a Code number assigned by the Department of Transportation, and shall also place or direct the placing of Code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.

Sec. 8.01.04

Speed Limits

The Town of LaValle hereby determines that the statutory speed limits on the following streets or portions thereon are unreasonable, unsafe, and imprudent and modifies such speed limits as follows:

- A. Forty-five (45) miles per hour on Douglas Road between County Trunk Highway "V" and State Trunk Highways "58" and "33."
- B. Speed Limits Decreased. The speed limits are decreased as hereinafter set forth upon the following Town roads and highways or portions thereof:
- C. Thirty-five (35) miles per hour on all Town roads and highways or portions thereof located in the Lake Redstone Lake Management District and sign shall be posted as necessary to give adequate warning to users of such Town roads or highways.

- D. The speed limit on that part of County Park Road, extending westerly from the junction of said road with “East Lake Redstone Drive” to the westerly end of the Sauk County Park is established at ten (10) miles per hour. Any persons violating this subsection shall forfeit not less than Twenty Dollars (\$20.00) nor more than Forty Dollars (\$40.00).

Sec. 8.01.05

Stop Sign Locations

- A. In the interests of public safety, stop signs shall be installed at the following locations to control traffic on the highways over which the Town of LaValle has exclusive jurisdiction:

- (1) On East Redstone Drive at County Park Road
- (2) On Wegner Road at County V
- (3) On East Redstone Drive at Wegner Road South
- (4) On East Redstone Drive at Wegner Road North
- (5) On Right Side of Fox Court at East Redstone Drive
- (6) On Sac Court at East Redstone Drive
- (7) On Navaho Court at East Redstone Drive
- (8) On East Redstone Drive at LaValle Road
- (9) On LaValle Road at County F East
- (10) On LaValle Road at County F West
- (11) On Exit from Sauk County Boat Landing at LaValle Road
- (12) On Cheyenne Court at LaValle Road
- (13) On Right Side of Jay Court at LaValle Road
- (14) On Whippoorwill Court at LaValle Road
- (15) On Pueblo Court at Whippoorwill Court
- (16) On Mockingbird Court at Whippoorwill Court
- (17) On Warbler Court at County F
- (18) On Clark Road at LaValle Road East
- (19) On St. Paul Road at County F West
- (20) On Martin Court at St. Paul Road
- (21) On Martin Court at Crow Court
- (22) On County F at Highway 58
- (23) On Cobbledick Road at County F
- (24) On Cobbledick Road at Section 11 Road

- (25) On Roloff Drive at Cobbledick Road
- (26) On Section 11 Road at Highway 58
- (27) On McWilliams Road at Section 11 Road
- (28) On Section 11 Road at West Redstone Drive
- (29) On Exit from LaValle Boa Landing at West Redstone Drive
- (30) On Blackbird Court at West Redstone Drive
- (31) On Robin Court at West Redstone Drive
- (32) On Goldfinch Court at West Redstone Drive
- (33) On Dolata Court at West Redstone Drive
- (34) On Chippewa Court at West Redstone Drive
- (35) On Loon Court at West Redstone Drive
- (36) On Morning Dove Court at West Redstone Drive
- (37) On Kickapoo Court at West Redstone Drive
- (38) On Wren Court at West Redstone Drive
- (39) On West Redstone Drive at Pierce Road
- (40) On Smith Road at Pierce Road
- (41) On Brandt Road at Pierce Road
- (42) On Pierce Road at Highway 58
- (43) On Wilke Road at Pierce Road
- (44) On Sefkar Road at Highway 8
- (45) On Sefkar Road at Highway 33
- (46) On Highway 58 at Highway 33
- (47) On County Park Road at Highway 58 & 33
- (48) On Brandt Road at County Park Road
- (49) On Wilke Road at Highway 58
- (50) On Coughlin Court at County Park Road
- (51) On Canary Court at County Park Road
- (52) On Algonquin Court at Smith Road
- (53) On Miami Court at Smith Road
- (54) On Oriole Court at West Redstone Drive
- (55) On Ottawa Court at West Redstone Drive
- (56) On West Sauk Court at West Redstone Drive
- (57) On Catbird Court at West Redstone Drive

- (58) On Canary Court at West Redstone Drive North
- (59) On Canary Court at West Redstone Drive South
- (60) On County V at Highway 58
- (61) On Strutz Road at County V
- (62) On West Redstone Drive at County Park Road
- (63) On County Park Road at County V
- (64) On Exit from Sauk County Park at County Park Road
- (65) On Access Road (Driveway out of Morning Dove) at West Redstone Drive
- (66) On Wilkinson Road at Highway 58
- (67) On Wilkinson Road at Highway 33
- (68) On Springer Road at Highway 33
- (69) On Stout Road at Highway 33
- (70) On Byington Road at Highway 33
- (71) On Dreamland Drive at Highway 33
- (72) On Kalepp Road at Highway 33
- (73) On Demaskie Road at Highway 33
- (74) On Green Valley Drive at Highway 33
- (75) On Thompson Road at Highway 33
- (76) On Schultz Road at Highway 33
- (77) On Roznos Road at Highway 33
- (78) On Theis Road at Highway 33 East
- (79) On Schutte Road at Highway 33
- (80) On Chitwood Road at Highway 33
- (81) On Bodendein Road at Highway 33
- (82) On Bodendein Road at Schutte Road
- (83) On Pearson Road at Schutte Road
- (84) On Pearson Road at Decker Road
- (85) On Pearson Road at Highway 58
- (86) On Brimmer Road at Highway 58
- (87) On Jessop Road at Highway 58
- (88) On Jessop Road at Branton Road
- (89) On Branton Road at Jessop Road

- (90) On Gates Road at Jessop Road
- (91) On Sjostrom Road at Bundy Hollow Road
- (92) On Bundy Hollow Road at East Dutch Hollow Road
- (93) On Pine Tops Court at South Dutch Hollow Road
- (94) On Karstetter Road at East Dutch Hollow Road
- (95) On Karstetter Road at Minicreek Road
- (96) On Hidden Spring Drive at East Dutch Hollow Road
- (97) On Gatling Court at East Dutch Hollow Road
- (98) On Remington Way at East Dutch Hollow Road
- (99) On Sunset Court at East Dutch Hollow Road
- (100) On Green Knoll Drive at East Dutch Hollow Road
- (101) On Dutch Mound Court at East Dutch Hollow Road
- (102) On Dutch Hollow Road at East Dutch Hollow Road
- (103) On Exit from LaValle Boat Landing at North Dutch Hollow Road
- (104) On Amsterdam Court at North Dutch Hollow Road
- (105) On North Dutch Hollow Road at Club House Drive and Meffert Road
- (106) On Stout Road at Woods Road
- (107) On McKinney Road at Dutch Hollow Road
- (108) On Dutch Hollow Road at Thompson Road
- (109) On Lucht Road at Highway 58
- (110) On Theis Road at Highway 33 West
- (111) On Exit from Hemlock Park at Dutch Hollow Road
- (112) On Exit from LaValle Refuse Disposal Site at Thompson Road
- (113) On Doering Road at East Dutch Hollow Road
- (114) On Kannenberg Drive at North Dutch Hollow Road
- (115) On Rotterdam Drive at Club House Drive
- (116) On Section 11 Road at West Redstone Drive a right turn no stop
- (117) On West Redstone Drive at Section 11 Road North
- (118) On Pearson Road at Schuette Road right turn no stop
- (119) On Schuette Road at Pearson Road North.

B. Operators to Obey Traffic Control Devices. Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Section and Section 8.01.03 shall obey the

direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 8.01.01. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by [sec. 346.46](#), Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by [sec. 346.18\(6\)](#), Wis. Stats.

Sec. 8.01.06 **Special Seasonal Weight Limitations**

The Director of Public Works shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert maintained by the Town of LaValle to prevent injury to the roadway or for the safety of the users of such bridge or culvert and shall be responsible for erecting Uniform Traffic Control Devices giving notice thereof in accordance with the provisions of Section 8.01.03.

Sec. 8.01.07 **Parking Regulations**

A. Illegally Parked Vehicles.

- (1) Hazard to Public Safety. Any vehicle parked, stopped or standing upon a highway in violation of any of the provision of this Section or Section 8.01.01 is declared to be a hazard to traffic and public safety.
- (2) Removal by Operator. Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.
- (3) Removal by a Traffic Officer. Any traffic officer after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Section, is authorized to remove such vehicle to a position where parking is permitted.
- (4) Removal by a Private Service. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicles in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- (5) Towing and Storage Charges. In addition to other penalties provided by this Code, the owner or operator of a vehicle so removed shall pay reasonable cost of moving, towing, and storage. If the vehicle is moved or towed by the Town of LaValle, a charge of Twenty-Five Dollars (\$25.00) and Twenty Cents (20¢) per mile shall be paid for moving and towing. If the vehicle is towed or stored by a private

motor carrier, motor vehicle salvage dealer or licensed motor dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

- B. Registration Record of Vehicle as Evidence. When any vehicle is found upon a street or highway in violation of any provision of this Code regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other State, shall be deemed to have committed the violation for purposes of enforcement of this Section and Section 8.01.01 and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in [sec. 346.485\(5\)\(b\)](#), Wis. Stats., shall be a defense for the owner charged with such violation.

C. Parking Prohibited at All Times

(1) Definitions

- (a) “Highway means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It does not include private roads or driveways.
- (b) “Roadway means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder.

- (2) No person shall at any time park or leave standing any vehicles upon either side of Douglas Road on the part thereof which is designated a highway within one hundred (100) feet of each side of the entrance to the Sauk County Park. No person shall at any time park or leave standing any vehicle upon any of the following Town highways within fifteen (15) feet of the centerline of the roadway:

- (a) East Redstone Drive
- (b) Pine Tree Road
- (c) LaValle Road South of County Trunk Highway F
- (d) West Redstone Drive
- (e) Canary Court Drive
- (f) Pierce Road
- (g) Section 11 Road
- (h) Heidrich Road

- F. Minimum Impoundment Period. The minimum impoundment period of impoundment or storage of a vehicle found in violation of this Section shall be fifteen (15) days.
- G. Notice to Owner. The Police Department removing or causing the removal of any vehicle found in violation of this Section shall within fifteen (15) days thereafter notify the owner and lien-holders of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in [sec. 342.40\(3\)](#), Wis. Stats., and shall state that the failure of the owner or lien-holders to exercise their right, title and interest in the vehicle and a consent to sale of the vehicle.
- H. Sale. Each retained vehicle not reclaimed by the owner or lien-holder may be disposed of by sealed bid or auction sale as provided in [sec. 342.40\(3\)](#), Wis. Stats.
- I. Sale to Bar Claims Against Vehicle. The sale of a motor vehicle under the provisions of this Section shall forever bar all prior claims thereto and interest therein except as hereinafter provided.
- J. Purchaser to Remove Vehicle. The purchaser of any vehicle on any vehicle bid or auction under subsection H shall have ten (10) days to remove the vehicle from the storage area upon payment of a storage fee of Ten Dollars (\$10.00) for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.
- K. Request for List. Any listing of vehicles to be sold pursuant to this Section shall be made available by the Town Clerk to any interested person or organization that makes a written request therefore, for a fee of Five Dollars (\$5.00).
- L. Notice to Department. Within five (5) days after sale or disposition of a vehicle under this Section, the Clerk shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.
- M. Owner May File. At any time within two (2) years after the sale of a motor vehicle as provided herein, any person claiming ownership of such motor vehicle or a financial interest therein may present a claim to the Town Board setting forth such facts as are necessary to establish such ownership of interest, and that the failure of the claimant to reclaim the vehicle prior to sale was not the result of the neglect or fault of claimant. If the Town Board is satisfied as to the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the Town Treasury as the

result of the sale of such motor vehicle, not the amount of interest of the claimant therein.

- N. Exemption. Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason, and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place, not otherwise regulated as a restricted parking, stopping or standing zone, shall, within twelve (12) hours of such occurrence, notify the Police Department of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the Town of LaValle with a fee of Ten Dollars (\$10.00) to offset the towing and junking charges and shall be exempt from the provisions of this Chapter.
- O. When so requested by the owner or person in charge of a vehicle the Town Constable shall be authorized to order such vehicle removed and junked directly from the scene of disablement by the Town Highway Department or contractor engaged by the Town of LaValle for the towing of disabled vehicles. The provisions of subsection K shall apply to any vehicle removed under this subsection

Sec. 8.01.09 Penalties

- A. Forfeitures for Violation of Moving Traffic Regulations. Forfeiture for violations of any moving traffic regulations set forth in the Wisconsin Statutes and adopted by reference in Section 8.01.01 shall conform to the forfeiture penalty established in the State of Wisconsin Uniform Traffic Deposit Schedule and the LaValle Police Department Municipal Bond Schedule for Traffic Enforcement.
- B. Forfeitures for Parking Violations.
 - (1) Any person who violates the provisions Section 8.01.08 shall, upon conviction, pay a forfeiture of not less than Twenty Dollars (\$20.00) and not more than One Hundred Dollars (\$100.00).
 - (2) Any person who violates non-moving traffic violations set forth in Wisconsin Statutes Chapters [341 to 348](#) and adopted by reference in Section 8.01.01 for which a penalty is not established herein shall, upon conviction, be subject the same minimum and maximum forfeitures as provided for a comparable state non-moving traffic violation.
- C. Other Violations. Any person who violates any provision of this Chapter for which this Chapter does not otherwise establish a penalty shall be subject to a forfeiture of not less than Twenty Dollars (\$20.00) and not more than One Hundred Dollars (\$100.00). Each day a violation occurs is a separate offense.

The Town of La Valle may elect to utilize the Reedsburg Municipal Court to prosecute forfeitures for parking and moving traffic violations and will then follow the penalties listed in the Bond Schedule as set by the Reedsburg Municipal Court.

Sec. 8.01.10 Enforcement

This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.

- A. Applicable Court Procedures. Except as otherwise specifically provided by the law of the State of Wisconsin or the provisions of this Chapter, the moving traffic regulations in this Chapter shall be enforced in the Circuit Court of Sauk County or the Reedsburg Municipal Court, in accordance with the applicable provisions of Chapters 345 and 800, Wis. Stats.
- B. Uniform Citation and Complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all moving violations of this Code.
- C. Non-moving Traffic Offenses.
- (1) Direct Payment of Penalty Permitted. Any person cited for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty therefore and avoid Court prosecution by forwarding within ten (10) days of the issuance of the citation Twenty Dollars (\$20.00) to the Town Treasurer. If not so forwarded that penalty may be discharged by forwarding within fifteen (15) days of the date of the citation of the above named office, the amount of Forty Dollars (\$40.00). When payment is made as provided in this paragraph no Court costs shall be charged and a receipt shall be given for cash deposits.
- (2) Deposits Submitted to Treasurer. Officers receiving deposits for non-moving traffic violations under this subsection shall pay over such deposits to the Town Treasurer within seven (7) days of receipt. An itemized statement for each deposit of the offense charged and the name of the depositor shall accompany such payment.
- (3) Court Prosecution. If the alleged violator does not deliver or mail a deposit as provided above within fifteen (15) days of the date of citation, the Constable hereinafter known as the Chief of Police shall forward a copy of the citation to the Town Attorney for possible prosecution pursuant to law.

CHAPTER 8.02

ALL-TERRAIN AND UTILITY TERRAIN VEHICLE REGULATIONS

Sec. 8.02.01	Title and Purpose
Sec. 8.02.02	Authority
Sec. 8.02.03	State ATV/UTV Laws Adopted
Sec. 8.02.04	Designation of All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) Routes
Sec. 8.02.05	Route Signs
Sec. 8.02.06	Operation of All-Terrain Vehicles and Utility Terrain Vehicles
Sec. 8.02.07	Notifications
Sec. 8.02.08	Enforcement
Sec. 8.02.09	Penalties and Bond Schedule

Sec. 8.02.01 **Title and Purpose**

Chapter 8.02 of the Code of Ordinances, Town of LaValle, Sauk County, Wisconsin entitled “All-Terrain Vehicle (ATV)/Utility Terrain Vehicle (UTV) Ordinance shall be repealed and recreated to read as provided herein. The purpose of this ordinance is to establish all-terrain vehicle and utility terrain vehicle routes on public roadways in the town and to regulate the operation of such vehicles on such routes in the town to provide safe and healthful conditions for the enjoyment of ATV/UTV recreation consistent with public rights and interest.

Sec. 8.02.02 **Authority**

The Town Board of the Town of LaValle, Sauk County, Wisconsin, has the specific authority to adopt this Ordinance under s. 23.33 (8) (b) and (11), Wis. stats. Operation of all-terrain vehicles and utility terrain vehicles on a roadway which is an all-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 which is safe given prevailing conditions. Wis. stats. s. 23.33 (4) (d) 4., provides that a person may operate an all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway which are designated as all-terrain vehicle routes.

Sec. 8.02.03 **State ATV/UTV Laws Adopted**

Statutory provisions found in secs. 23.33, Wis. Stats., are hereby adopted by reference as a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this Chapter.

Sec. 8.02.04 **Designation of All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) Routes**

- A. All town roads in the Town of La Valle are designated All-Terrain Vehicle (ATV)/Utility Terrain Vehicle (UTV) Routes for their entire length.
- B. In addition, STH 58 from Jessop Road to the southerly limits of the Village of La Valle is designated an ATV/UTV Route for the purpose of crossing two bridges on STH 58 over the Little Baraboo River.

Sec. 8.02.05 **Route Signs**

Under the direction of the Town, route signs shall be provided by and shall be marked by the Sauk Ridge Runners ATV Club or their successor with uniform all-terrain vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. Signs to be inspected annually and maintained by the Sauk Ridge ATV Club or their successor. The Town shall be notified immediately in any change in responsibility for maintenance of ATV/UTV Route signs.

Sec. 8.02.06 **Operation of All-Terrain Vehicles and Utility Terrain Vehicles**

The following restrictions apply to operation of ATVs and UTVs on all roads and highways designated as ATV/UTV routes:

- A. Operators shall abide by all traffic laws, including the rules of operation and equipment requirements contained in Wis. Stat. § 23.33 and Wis. Adm. Code. Ch.NR 64, unless further restricted by this chapter.
- B. ATVs and UTVs may only be operated on designated ATV/UTV route between 7:00 AM and 9:00 PM.
- C. ATVs and UTVs shall be operated on a route at a safe speed not to exceed 35 miles per hour unless a reduced speed is otherwise required by law or roadway conditions.
- D. Every person who operates an ATV or UTV on any segment of a road or highway which is designated as an ATV/UTV route shall have in his or her immediate possession a valid motor vehicle operator's license. The ATV/UTV operator shall display the operator's license upon demand from any law enforcement officer, state patrol officer, inspector under Wis. Stat. § 110.07(1), conservation warden, or municipal peace officer.

- E. No operator or passenger of an ATV or UTV may possess, in or on an ATV or UTV on any road or highway designated as an ATV/UTV Route, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released.
- F. All ATV and UTV equipment are required to have applicable liability insurance and have proof of insurance.

Sec. 8.02.07 Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Sec. 8.02.08 Notifications

A copy of this ordinance shall be sent by the town clerk to the Sauk County Sheriff's Department and to the Wisconsin Department of Natural Resources.

Sec. 8.02.09 Enforcement

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

Sec. 8.02.10 Penalties and Bond Schedule

Any violations in any section of Chapter 8.02 each shall pay forfeiture for each offense as set forth in the following Town of La Valle Police Department Municipal Bond Schedule for ATV's and UTV's

DESCRIPTION	AMOUNT
FINE:	\$ 50.00
PENALTY ASSESSMENT	\$ 13.00
COURT COST MUNICIPAL	\$ 33.00
COURT COST STATE	\$ 5.00
CRIME LAB	\$ 13.00
JAIL	\$ 10.00
LA VALLE MUNICIPAL	\$ 5.00
TOTAL	\$129.00

In addition to any forfeiture, a court may order restitution to repair any damage caused by violation of this Ordinance.

Sec. 8.02.10 Effective Date

This ordinance is effective on publication and positing. The Town Clerk shall post or properly publish this ordinance as required under s 60.80, Wis. Stats. 2-11-2019

TITLE 9 NUISANCES AND OFFENSES

Chapter 9.01	Firearms and Archery
Chapter 9.02	Public Nuisance
Chapter 9.03	Chronic Nuisance Premises

CHAPTER 9.01 FIREARMS AND ARCHERY

Sec. 9.01.01	Purpose
Sec. 9.01.02	Regulations
Sec. 9.01.03	Definitions
Sec. 9.01.04	Penalties
Sec. 9.01.05	Conflicting Provisions Repealed

Sec. 9.01.01 Purpose

The purpose of this Chapter is to promote the health, safety, and general welfare of the community by regulating and controlling the use of firearms and archery within the Township of LaValle.

Sec. 9.01.02 Regulations

- A. No person, except law enforcement personnel, shall fire, or discharge any firearm, rifle, bow, crossbow, spring or air-gun, on any land or property owned or rented by the Town of La Valle.
- B. No person shall hunt with a bow and arrow or crossbow within 100 yards of any building owned or rented by the Town of La Valle.
- C. Unless expressly permitted by the Town, hunting on any land that the Town owns or leases is prohibited.

Sec. 9.01.03 Definitions

- A. “Building” means any structure used for human occupancy or use, including a manufactured home, as defined in sec. 101.91(2), Wis. Stats.

Sec. 9.01.04 **Penalties**

Any person who shall violate any provision of this Chapter shall be subject to a penalty as follows:

- A. First Offense. Any person who shall violate any provision of this Chapter and upon conviction thereof, shall forfeit not less than Fifty Dollars (\$50.00) of more than Two Hundred Dollars (\$200.00) together with costs of prosecution and in default of payment of such forfeitures or the cost of prosecution shall be imprisoned in the county jail until said forfeitures and costs are paid but not exceeding thirty (30) days.

- B. Second Offense. Any person who shall violate any provision of this Chapter and upon conviction thereof, shall forfeit not less than One Hundred Dollars (\$100.00) of more than Five Hundred Dollars (\$500.00) together with costs of prosecution and in default of payment of such forfeitures or the cost of prosecution shall be imprisoned in the county jail until said forfeitures and costs are paid but not exceeding thirty (30) days.

Sec. 9.01.05 **Conflicting Provisions Repealed**

All ordinances in conflict with any provisions of this Chapter are hereby repealed.

CHAPTER 9.02

GENERAL PUBLIC NUISANCES

Sec. 9.02.01	Purpose
Sec. 9.02.02	Regulations
Sec. 9.02.03	Definitions
Sec. 9.02.04	Penalties
Sec. 9.02.05	Abatement
Sec. 9.02.06	Severability
Sec. 9.02.07	Effective Date

Sec. 9.02.01 **Purpose**

The purpose of this Chapter is to promote public health and to protect the rights of the public to utilize their property in a manner consistent with the rights of others to also utilize their property; and to regulate, control, prevent and enforce against certain uses, activities, businesses, practices and operations by persons which may constitute a public nuisance in the Town of LaValle.

Sec. 9.02.02 **Regulations**

1) **Public Nuisances Affecting Peace and Safety.** The following acts, omission, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety which may be added by amending this Chapter at a later date:

a) **Noise:** All loud or unusual noises or annoying vibrations, which offend the peace and quiet of person(s) of ordinary sensibilities.

1. **Quiet Hours.** Except as otherwise specifically provided, between the hours of 11:00 PM and 7:00 AM., no person shall make, or assist in making, any sound that shall unreasonably disturb the peace and quiet of person(s) unless the making and continuing of the same cannot be prevented and is necessary for the protection and preservation of property or of the health, safety, life or limb of some person. The following sounds are deemed unreasonable and a violation of this section:

a. Causing, suffering or allowing any loud, excessive or unusual noise in the operation or use of any radio, television, phonograph or other mechanical or electrical device, instrument or machine, which loud, excessive or unusual noise shall disturb the comfort, quiet or repose of person(s) located within twenty-five (25) or more feet from the point of origin, or in the event the point of origin is

within any rooming or housing establishment, public or private, including residents, occupants and the like, shall disturb the comfort, quiet and repose of person(s) in proximity to such point, even if within such twenty-five (25) foot distance.

b. Operating or causing to be used or operated in or upon any public street, or from any device, apparatus or instrument to amplify human voice or any sound or noise, or other sound-making or reproducing device, in such fashion that the sound from such device is heard outside of the vehicle. It is provided, however, that such restrictions shall not apply to the production sounds of any nature produced incidental to the operation of any authorized emergency vehicle or to the use of sound producing equipment authorized pursuant to Wisconsin Statutes.

c. It is a violation of this section for any person, once contacted by a police officer or other village official, of unreasonable noise, to fail to bring the property into compliance with this section. Failure to maintain compliance after receiving a warning, or citation, shall constitute a separate offense.

d. It is a violation of this section for any person to operate speakers or amplified music at or near any door, window or other opening of the establishment or in any other location outside an enclosed building during prohibited hours that is audible from a distance of twenty-five (25) or more feet.

e. It is a violation of this section to create or allow the creation of noise that is audible from twenty-five (25) or more feet.

b) **Trespass to land.** In general, criminal trespass/entry to land and dwellings of other person(s).

1. Adopting §943.13 and §943.14, Wisconsin Statutes.
2. For purposes of this section property owner means the owner, lessee, or any of their employees, agents or representatives.
3. It shall be unlawful for any person to remain on the premises of another without the consent of the property owner.
4. It shall be unlawful for any person to enter or remain on the premises of another when the offending person has previously been informed that their entry or presence is prohibited.
5. Nothing herein shall be interpreted as affecting the rights of any tenant as provided under Chapter 704 Wisconsin Statutes.

- 2) **Public Nuisances Affecting Health.** The following acts, omissions, places, conditions, and things are hereby specifically declared to be public health nuisances.
- a) **Trash.** In general, failing to keep waste, refuse, trash, or garbage in an enclosed building or in a closed container designed for such purposes.
 - 1. **Specific Acts Constituting a Nuisance of Trash.** The failure, by owners or occupants of property located within a residentially zoned area within the Town of LaValle, to allow their property to accumulate trash, litter, or rubbish. Trash, litter, and rubbish, in the meaning of this section, include by are not limited to: waste paper scattered about, or untidy accumulation of objects of any kind, the accumulation of objects of little or now worth in a crumbled, broken or inoperable condition, waste materials, construction waste, and refuse of any kind or nature, collected, accumulated, or lying about, not within a building.
 - b) **Sewage/Holding Tank Overflow.** In general, failing to keep sewage, as defined in this Chapter, and any other proper materials contained within a holding tank, as defined in this chapter, designed for such purposes.
 - 1. **Specific Acts Constituting a Nuisance of Sewage/Holding Tank Overflow.** The failure, by owners or occupants of property located within a residentially zoned area within the Town of LaValle, to allow their respective holding tank to overflow or discharge upon the surface of any premises which causes nauseous materials repulsive to the senses of ordinary persons to exist to the substantial annoyance or substantial discomfort of persons or where such overflow can cause injury to persons or property in the Town of LaValle.

Sec. 9.02.03 Definitions

- 1) **Public Nuisance Defined.** A Public Nuisance is an object, act, occupation, condition or use of property which:
- a) Substantially annoys, injures, or endangers the comfort, health or safety of the public.
 - b) Renders the public insecure in life or in the use of property.
 - c) Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of the property in the neighborhood in which such premises are located.
- 2) **Additional Definitions.** For the purpose of this Chapter, the following terms shall have the following meanings:
- a) “Law Enforcement Action” is a police response that results in any of the following: arrest, issuance of a citation, referral, or issuance of a verbal or written warning; or long form report.
 - b) “Owner”: means the owner, lessee, or any of their employees, agents or representatives.

- c) "Premises." An individual unit including but not limited to land, houses, tax parcels and buildings.
- d) "Holding Tank" is any watertight receptacle which receives and retains sewage conveyed by a water-carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.
- e) "Sewage" is any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings, any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or recreational use.

Sec. 9.02.04 **Penalties**

The Town Chair or the Constable hereinafter known as the Chief of Police or its designees may enforce against such public nuisance violations in this Ordinance by issuance and service of a Citation against any alleged violation of this Ordinance. Any person who shall violate any provision of this Chapter shall be subject to a penalty as follows:

- 1) **First Offense.** Any person who shall violate any provision of this Chapter and upon conviction thereof, shall forfeit not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00) together with costs of prosecution.
- 2) **Second Offense.** Any person who shall violate any provision of this Chapter and upon conviction thereof, shall forfeit not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) together with costs of prosecution.
- 3) **Continued Violations.** Each violation and each day a violation occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code. Any prevention or removal costs shall be reimbursed to the Town by the person(s) cited.

Sec. 9.02.05 **Abatement**

Abatement of Public Nuisances

- 1) **Inspection of Premises.** Whenever a complaint is made to a member of the Town Board that a public nuisance exists within the Town, the Town Constable hereinafter known as the Chief of Police or its designees shall inspect or cause to be inspected the premises complained of.
- 2) **Notice to Owner.** If the Town Constable hereinafter known as the Chief of Police or its designees determines that a public nuisance exists within the Town, it shall provide notice to the person causing, permitting, or maintaining such nuisance or the owner or occupant of the premises where such nuisance exists. The notice shall direct the person causing, permitting, or maintaining the nuisance or the owner or occupant of the premises, to abate or remove

such nuisance within three (3) days. The notice shall also state that unless such nuisance is so abated, the Town shall cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance.

- 3) **Abatement by Town.** If the nuisance is not abated within the time provided or if the owner, occupant, or person causing the nuisance cannot be found, the Constable hereinafter known as the Chief of Police shall cause the abatement or removal of such public nuisance.
- 4) **Abatement by Court Action.** If the Constable hereinafter known as the Chief of Police shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten immediate danger to the public health, safety, peace, morals, or decency, the Town Constable hereinafter known as the Chief of Police may cause an action to abate such nuisance to be commenced in the name of the Town.
- 5) **Other Methods not Excluded.** Nothing in this Section shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.
- 6) **Cost of Abatement.** In addition to any other penalty imposed by this Code for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance. Such cost shall be assessed against the real estate as a special charge if not paid in 30 days.

Sec. 9.02.06 Severability

Severability. If any provision, clause, sentence, paragraph, or phrase of this ordinance or the application thereof to any person or circumstances is held, for any reason by a court of competent jurisdiction, to be invalid or unconstitutional, such decision shall not affect the validity of other provisions or applications of the provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

CHAPTER 9.03

CHRONIC NUISANCE PREMISES

Sec. 9.03.01	Purpose
Sec. 9.03.02	Definitions
Sec. 9.03.03	Notice
Sec. 9.03.04	Abatement Plan
Sec. 9.03.05	Additional Nuisance Activity
Sec. 9.03.06	Appeal
Sec. 9.03.07	Violations, Penalties, Remedies, Injunctive and Other Relief.
Sec. 9.03.08	Penalties

Sec. 9.03.01 Purpose

The Town Board of LaValle finds that certain premises within the Town receive and require more than the general, acceptable level of police services. Such premises place an undue and inappropriate burden on Town of LaValle taxpayers, and constitute public nuisances. The Town Board therefore authorizes the Constable hereinafter known as Chief of Police to charge the owners of such premises the costs associated with abating the violations at premises where nuisance activities chronically occur and to provide for forfeitures for the failure of property owners to abate such nuisance activities.

Sec. 9.03.02 Definitions.

The following terms are defined as follows in this chapter:

- 1) “Constable hereinafter known as Chief of Police” means the person appointed by and under Sec. 3.01.03, Code of Ordinances, Town of LaValle, or designee.
- 2) “Enforcement Action” means the arrest, the issuance of a citation, or the issuance of a written warning.
- 3) “TLC” means Town of LaValle Municipal Code of Ordinances.
- 4) “Nuisance Activity” shall mean any of the activities, behaviors or conduct set forth in Wisconsin Statutes §66.0627(1)(c) Section occurring on or within twenty-five (25) feet of a premises whenever engaged in by premises owners, operators, occupants or a person or persons associated with a premises.
- 5) “Owner” means the owner, lessee, or any of their employees, agents or representatives.
- 6) “Person associated with a premises” means the premises owner, operator, manager, officer, director, resident, occupant, guest, visitor, customer, patron or employee or agent of any of the above individuals, or one who waits to enter or attempts entry or the premises.
- 7) “Premises” means individual dwelling unit; any property or premises used for residential purposes whether or not owner occupied; an individual business or commercial property; and associated common areas thereof.

Sec. 9.03.03 **Notice.**

- 1) Whenever the Constable hereinafter known as Chief of Police determines that three (3) or more nuisance activities resulting in enforcement action have occurred at a premise on separate days during a 12-month period, the Constable hereinafter known as Chief of Police may notify the premises owner and tenant in writing. In reaching this determination, the Constable hereinafter known as Chief of Police shall not count nuisance activities resulting in enforcement actions that were reported by the owner of the premises.
- 2) The notice shall contain the street address including unit number if applicable or legal description sufficient to identify the premises, a description of the nuisance activities and enforcement actions that have occurred at the premises; a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner.
- 3) The Constable hereinafter known as Chief of Police written notice shall be delivered to the owner of the premises by one of the following methods in descending order of preference: personal service, certified mail, first class mail, posting and/or publication, such other means as provided by law for service of process in a civil action, in that order, as the Constable hereinafter known as Chief of Police may determine appropriate under the particular facts and circumstances.

Sec. 9.03.04 **Abatement Plan.**

Any owner receiving such notice shall personally meet with the Constable hereinafter known as Chief of Police or his/her designee, within five (5) days of receipt of such notice. The Constable hereinafter known as the Chief of Police and person shall review the problems occurring upon the premises and/or property. Within ten (10) days of this meeting, the owner shall submit to the Constable hereinafter known as Chief of Police, or his/her designee, a written abatement plan designed to effectively end all the nuisance activity upon the premises. The plan shall also specify a name, address and telephone number of a person living within sixty (60) miles of the premises who can be contacted in the event of further police, fire or inspection activities and/or contact.

Sec. 9.03.05 **Additional Nuisance Activity.**

Whenever the Constable hereinafter known as the Chief of Police determines that:

- 1) Additional nuisance activity and/or enforcement action has/have occurred upon a premise for which the Constable hereinafter known as Chief of Police notice has been issued under this Chapter; and,
- 2) This additional nuisance activity and/or enforcement action has/have occurred more than fifteen (15) days after the Constable hereinafter known as Chief of Police notice was served; and,
- 3) Reasonable effort has not been made by the owner of the premises to abate the nuisance activity; then,

- 4) The Constable hereinafter known as Chief of Police may calculate all of the cost, fees and expenses arising from and/or pertaining to any and all such police and related Town responses and enforcement including, but not limited to, actual burdened labor, overtime, materials, vehicle use and related administrative time and efforts for this and any subsequent nuisance activities and enforcement actions upon, for and/or pertaining to the premises. The Constable hereinafter known as Chief of Police shall cause all such costs, fees and expenses to be charged against the owner of the premises and the premises itself, and if unpaid, charged, assessed, levied and collected by the Town as a special charge against the premises/property pursuant to Wisconsin Statutes §66.0627.

Sec. 9.03.06 **Appeal.**

- 1) Appeal by Affected Property Owner. An affected owner of the premises may appeal the Constable hereinafter known as Chief of Police determination and invoiced special charges arising from and imposed for the police and related costs, fees and expenses set forth in this Ordinance in the manner set forth in this Subsection.
- 2) The appeal shall be in writing, filed with the Town Clerk, stating with specificity the grounds for the appeal and the relief requested. The appeal shall be filed within 90 days of the invoice from the Town Clerk.
- 3) The appeal shall be considered only if filed prior to the time that any unpaid special charges imposed against the premises/property under this Chapter are turned over by the Treasurer onto the tax roll.
- 4) Chapter 68 of the Wisconsin Statutes shall not apply to such an appeal nor shall any other provision of state law or Town ordinance to the contrary. The appellate procedure set forth herein shall govern and be exclusive.
- 5) Upon receipt of the written appeal, the Clerk shall set the matter for a public hearing for a regularly scheduled meeting of the Town Board not less than thirty (30) days nor more than sixty (60) days after the filing of the written appeal.
- 6) The Clerk shall provide written notice to the appellant and to the Constable (hereinafter known as Chief of Police) of such Town Board meeting hearing date, time and place.
- 7) The parties may agree to continuances and stipulations as to procedure and substance, but in no event, shall the hearing be continued beyond the time set forth in Subparagraph c.
- 8) The hearing shall be open to the public, recorded by a sound recording device and the recording preserved for seven years by the Town Clerk. A party may request a court reporter but the requesting party shall pay all costs of the court reporter in advance regardless of the determination of the appeal.
- 9) The appellant and the Constable (hereinafter known as Chief of Police) may each present witnesses who testify upon oath after being duly sworn-in by the Town Clerk or any person authorized by law to administer oaths.
- 10) After the hearing, the Town Board in open session shall deliberate and then make a determination by recorded motion, second and vote with a majority of Board Members voting governing.
- 11) The Town Treasurer shall adjust all invoices, tax and related Town records in accord with the Board's determination.

Sec. 9.03.07 **Violations, Penalties, Remedies, Injunctive and Other Relief.**

In addition to the special charges authorized and described above, the following penalties, remedies and other cumulative and not exclusive, may be jointly and severally sought and/or employed by the Town, and may be ordered and/or imposed, as applicable, by the courts:

- 1) First Offense. Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall forfeit and pay to the Town not less than \$100.00 nor more than \$1,000.00, together with the costs of prosecution.
- 2) Subsequent Offenses. Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder within twenty-four (24) months after committing a previous violation shall forfeit and pay to the Town not less than \$200.00 nor more than \$5,000, together with the costs of prosecution.
- 3) Each and every day that a violation occurs, continues and/or remains present constitutes a separate offense.
- 4) The Town, in addition to the above monetary penalty(ies) and special charges may from time to time seek and obtain, and the court may order, temporary and/or permanent injunctive relief, remedies, judgments and/or orders of the court against any person(s) and/or property(ies) as the court may, from time to time deem necessary, appropriate and/or desirable to effectuate the intent of this chapter and the public good, peace, order, welfare and/or safety.
- 5) In addition to the above penalties, relief and remedies, the Town Board may refuse to issue or not-renew any license or permit to the owner of the premises and/or the premises, after conducting a public hearing thereon.
- 6) It shall be the responsibility of the convicted person(s) to immediately abate each and every violation upon the premises property as expeditiously as possible, unless otherwise directed by the Town or the court.
- 7) This chapter is cumulative in its legal affect and is not in lieu of any and all other legal and equitable remedies under Town ordinances, state statues, state administrative codes and common law, including, but not limited to, forfeiture of the property to the Town under this chapter and/or the applicable state statutes.

CHAPTER 9.04

Miscellaneous Police Provisions ORDERLY CONDUCT

- 9.04.01 Purpose
- 9.04.02 General Provisions
- 9.04.03 Offenses against Bodily Security
- 9.04.04 Offenses against Public Safety and Welfare
- 9.04.05 Offenses against Public and Private Property
- 9.04.06 Offenses against Public Peace, Good Order and Other Public Interest
- 9.04.07 General Penalty Provisions
- 9.04.08 Bond Schedules

Sec. 9.04.01 **Purpose.**

The purpose of this Chapter is to promote the health, safety, and general welfare of the community by regulating and controlling orderly conduct within the Township of La Valle.

Sec. 9.04.02 **General Provisions.**

- 1) Definitions. The definitions of words and phrases contained in Chapters 939 to 948, 961 and § 990.001 of the Wisconsin State Statutes (2015-16) are hereby adopted by reference and made a part hereof with the same force and effect as if fully set forth herein.
- 2) Incorporation of Certain Statutory Offenses.
 - a. Provisions included. The sections and subsections of the Wisconsin State Statutes (2015-16) describing, defining, and prohibiting conduct and cross references contained therein, which are enumerated from time to time in this Chapter, are hereby adopted and by reference made a part of this Chapter with the same force and effect as if fully set forth herein, exclusive of any provision relating to penalties. Any act required to be performed or prohibited by any statute incorporated by reference is required or prohibited by this Chapter.
 - b. Interpretation. In those enumerated sections and subsections of Wisconsin Statutes:
 1. Whenever the word "crime" is used, it shall be taken to mean "offense."
 2. Whenever the phrase "criminal intent" is used, it shall be taken to mean "intent."
- 3) Attempt.
 - a. Whoever attempts to commit an offense under this Section may be fined not to exceed one-half the maximum penalty for the completed offense.
 - b. An attempt to commit an offense requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute such offense and that he does acts toward the commission of the offense which demonstrate, under all the circumstances, that he formed that intent and would commit the offense except for the intervention of another person or some other extraneous factor.
- 4) Parties to Offense.
 - a. Whoever is concerned in the commission of an offense is a principal and may be charged with and convicted of the commission of the offense although he or she did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other offense based on the same act.

person except in a place where no person younger than 18 years of age is present or permitted to enter unless the person who is younger than 18 years of age is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years.

9.04.05

Offenses against Public and Private Property

1) State Laws Adopted.

- a. Damage to property (943.01)
- b. Arson of property other than building (943.03)
- c. Arson with intent to defraud (943.04)
- d. Placing of combustible material an attempt (943.05)
- e. Molotov cocktails (943.06)
- f. Burglary (943.10)
- g. Entry into locked vehicle (943.11)
- h. Possession of burglarious tools (943.12)
- i. Trespass to land (943.13)
- j. Trespass to dwellings (943.14)
- k. Theft (943.20)
- l. Fraud on hotel or restaurant keeper (943.21)
- m. Operating vehicle without owner's consent (943.23)
- n. Issue of worthless check (943.24)
- o. Removing or damaging encumbered or real property (943.26)
- p. Robbery (943.32)
- q. Receiving stolen property (943.34)
- r. Alteration of property identification marks (943.37)
- s. Forgery (943.38)
- t. Financial Transaction card crimes (943.41)
- u. Theft of telecommunications service (943.45)
- v. Retail theft; theft of services (943.50)
- w. Harassment of police and fire animals (951.095)

2) Destruction of property prohibited. No person shall willfully, maliciously, or wantonly deface, injure or destroy any public property or any private property. Likewise, a parent or legal guardian of any minor who shall fail to exercise reasonable care so as to prevent such minor from intentionally damaging public or private property or from conducting himself in such a manner as may reasonably be calculated to result in damage to any of such property shall be deemed to have violated this ordinance, and such parent or guardian shall be personally liable to the owner for such damage, subject to the limitations imposed thereon by Wis. Stat. §895.035 (2015-16).

3) Littering prohibited. No person shall throw any glass, cans, rubbish, waste, or filth upon the streets, alleys, highways, public parks, road right-of-way or other property of the Town of La Valle or upon any private property not owned by him or her, or upon the

surface of any body of water within the Town of La Valle, pursuant to Wis. Stat. §287.81 (2015-16).

- 4) Livestock on highways, roadways and private property prohibited, pursuant to Wis. Stat. Chapter 172.
 - a. It shall be unlawful for any person to permit any animal belonging to him, or under his control, to trespass upon the property belonging to another person without the permission of the lawful owner or occupant.
 - b. Livestock shall be properly fenced or contained on the owner's property and not be allowed to roam on the roadways or highways within the Town.
- 5) Deposit or litter of trash or refuse in or on privately owned containers or property prohibited. No person shall deposit or allow to be deposited any glass, cans, rubbish, waste or refuse into private or public trash receptacles or containers without consent of either the owner or lessor of the container or the property owner. This includes the placement of residential garbage into trash containers at the Town Boat Landings and Parks.

9.04.06 **Offenses against Public Peace, Good Order and Other Public Interest**

- 1) State Laws Adopted.
 - a. Disorderly conduct (947.01)
 - b. Unlawful use of Telephone (947.012)
 - c. Harassment (947.013)
 - d. Unlawful use of computerized communication systems. (947.0125)
 - e. Bomb scares (947.015)
 - f. Unlawful assemblies and their suppression (947.06)
 - g. False swearing (946.32)
 - h. Refusing to aid officer (946.40)
 - i. Resisting or obstructing officer (946.41)
 - j. Escape (946.42)
 - k. Impersonating peace officers, firefighters, or other emergency personnel. (946.70)
 - l. Gambling (945.02)
 - m. Commercial gambling (945.03)
 - n. Permitting premises to be used for commercial gambling (945.04)
- 2) Juvenile Drinking Offenses.
 - a. Furnishing Alcoholic Beverages to Minors. No person shall sell, furnish, vend, or any way deal or traffic in, or give any intoxicating liquor or fermented malt beverage in any quantity whatsoever to any person under the age of twenty-one (21).

- 3) Possession of False Identification. No person shall knowingly possess identification that has been altered so as to not be true and accurate, nor shall any person present for identification purposes a document that is not true and accurate identification of said person.
- 4) Possession of Alcoholic Beverages by Minors. No person under the age of twenty-one (21) years shall procure, seek to procure, knowingly possess, or consume any intoxicating liquor or fermented malt beverage, except that fermented malt beverages may be consumed while under the immediate supervision of a parent or guardian.
- 5) Possession of Controlled Substances/Paraphernalia.
 - a. Uniform Controlled Substance, Definitions (961.41(3g)(am))
 - b. Possess or attempt to possess any other non-narcotic controlled substance/controlled substance analog not listed below (961.41(3g)(b))
 - c. Possession/Use Marijuana (961.41(3g)(e))
 - d. Possession/Use Cocaine (961.41(3g)(c))
 - e. Possession/Use LSD (961.41(3g)(d))
 - f. Possession/Use of Drug Paraphernalia (961.573(1) and (2))
 - g. Manufacture/Deliver of Drug Paraphernalia (961.574(1) and (2))
 - h. Delivery of Drug Paraphernalia to a Minor (961.575(1) and (2))
 - i. Advertisement of Drug Paraphernalia (961.576)
 - j. Synthetic cannabinoids (961.41 (3g)(em))
- 6) Drinking In Motor Vehicles on the Highway. No person shall possess an open container of fermented malt beverage or intoxicating liquor in a moving vehicle on a public street or highway within the Town of LaValle.
- 7) Public Obscene Language and Sexual Conduct Prohibited. No person shall, in any public place, use any obscene language or sexual conduct within the Town of LaValle.

Definitions:

 - a. "Language" means words or sounds or gestures, or any combination thereof.
 - b. "Obscene" means language or sexual conduct which, taken as a whole:
 - i. Appeals to prurient interest in sex, and
 - ii. Portrays sexual conduct in a patently offensive way, and
 - iii. Does not have serious literary, artistic, political or scientific value.
- 8) Disorderly Conduct with a Motor Vehicle. No person shall within the Town of La Valle whether on public or private property, engage in annoying, boisterous, reckless, unreasonably loud and otherwise disorderly conduct with a motor vehicle under circumstances in which the conduct tends to cause or provoke a disturbance.

- 9) Obstructing Streets and Sidewalks Prohibited. No person shall stand, sit, loaf, or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Town in such a manner as to obstruct or prevent the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to and from any place of business, amusement, church, public hall, or meeting place.
- 10) Placement of Snow/Grass/Debris On Roadways Prohibited. No person shall within the Town of LaValle place snow, grass or any other debris upon any roadway.
- 11) Parks Lake and Boat Landings Regulations.
- a. No person shall dig up, mutilate or injure any grass, trees, shrubbery or flowers in the public parks or boat landings within the Town.
 - b. No person shall in any way deface, mutilate, destroy or injure any building, beach, or piers situated in any parks and boat landings.
 - c. No person shall dig up, mutilate or injure any grass, trees, shrubbery or flowers in the public parks or boat landings within the Town.
 - d. No person shall in any way deface, mutilate, destroy or injure any building, beach, or piers situated in any parks and boat landings.
 - e. All boats, piers and any other watercraft shall be properly secured from drifting onto the waterways of Lake Redstone or Dutch Hollow Lake.
 - i. Owners shall be responsible for payment of fees for removal of any watercraft or piers that are found drifting upon the lakes within the Town of La Valle.
- 12) Urination in Public. Public urination in anything other than a designated toilet facility shall be unlawful.
- 13) Harboring or Assisting Minor Runaways Prohibited.
- a. No person shall allow, permit or board any minor child at (or in) his/her residence, property or place of business where the person knows, or should have known, the child to be a runaway from his or her parents, guardian or legal custodian.
- 14) Miscellaneous Highway Provisions.
- a. Materials left in highway (86.01)
 - b. Injury to Highway (86.02)
 - c. Injury to Highway by farm machinery (86.021) (1)
 - d. Costs of damage to highway (86.021) (2)
 - e. Obstructing highway with embankment or ditch (86.022)
 - f. Owner's responsibility for removal of fallen trees (86.03) (1)
 - g. Planting trees and shrubs in highway (86.03) (3) (a)
 - h. Right-of-way encroachment (86.04) (1)

- #### 9.04.07 General Penalty Provisions.

9.04.08 Bond Schedules.

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TITLE 10 LAND USE REGULATIONS

Chapter 10.01	Land Division and Subdivision
Chapter 10.02	Land Use

CHAPTER 10.01 LAND DIVISION AND SUBDIVISION

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Sec. 10.01.49	Contractor Qualifications
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Sec. 10.01.01 **Authority**

These regulations are adopted under the authority granted by § 236.45 of the Wisconsin Statutes, and pursuant to § 281.33 of the Wisconsin Statutes

Sec. 10.01.02 **Purpose and Intent**

The purpose of this chapter is to:

- A. Guide the future growth and development of the community consistent with the Town of La Valle's adopted Comprehensive Plan;
- B. Promote the public health, safety and general welfare of the Town, and to lessen congestion in the streets and highways;
- C. Further the orderly layout and use of land;
- D. Secure safety from fire, panic, and other dangers;
- E. Provide for adequate light and air;
- F. Prevent the overcrowding of land;
- G. Avoid undue concentration of population;

- H. Facilitate the adequate provision for transportation, water, sewerage, energy and communications facilities, surface drainage, schools, parks, playgrounds and other public requirements;
- I. Facilitate the further re-subdivision of larger parcels into smaller parcels of land;
- J. Preserve and protect the scenic natural beauty of the Town of La Valle and its natural and historic resources including water quality, lake resources and significant geological features and continue to strengthen the township's rural character and surrounding environment; and,
- K. Maintain farmland and farming opportunities and enhance the farming community by creating an environment that encourages and supports agricultural and agribusiness as viable careers and sustainable businesses.

Sec. 10.01.03 Severability

If any section, provision, or portion of this chapter is adjudged invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

Sec. 10.01.04 Title

This chapter shall be entitled the *"Land Division and Subdivision Regulations, Town of La Valle, Sauk County, Wisconsin."*

Sec. 10.01.05 Definitions

For the purposes of this Chapter, the following definitions shall apply:

- A. Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.
- B. Board or Town Board. The Town of La Valle Town Board.
- C. Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.
- D. Building Setback Line. A line within a lot or other parcel of land between which line and the adjacent boundary of the street upon which the lot abuts,

the erection of a building is prohibited, as prescribed by the appropriate zoning or other regulations.

- E. Certified Survey Map: A map of land division, not a subdivision, prepared in accordance with Wis. Stat. § 236.34, and in full compliance with the applicable provisions of this chapter. A certified survey map has the same legal force and effect as a subdivision plat.
- F. Clerk or Town Clerk. The Town of La Valle Town Clerk
- G. Common open space. Land within a subdivision that has been designated, dedicated, reserved, or restricted from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual lots. It shall be substantially free of structures, but may contain but not limited to farmlands, natural woodlands, historic structures and archaeological sites including Indian mounds, and/or such recreational facilities for residents as indicated on the approved development plan. Common open space shall be recorded as an outlot on the plat.
- H. Comprehensive Plan: An official document adopted by the Town of La Valle setting forth the goals, objectives, and policies regarding the long-term development within the Town of La Valle.
- I. Conservation Subdivision. A subdivision design which concentrates (i.e.: clusters) development in specific areas on the subdivision. The purpose of a conservation subdivision is to allow increased density in certain areas of the subdivision by grouping together homes in one or more areas, while preserving natural features in others. The concept provides for flexibility in subdivision design that fits the natural characteristics of the land and permits more permanent open space thereby permanently protecting agriculturally, environmentally or historically significant areas within the subdivision. A conservation subdivision requires the at least 40% of a parcel be set aside for open space.
- J. Conventional Subdivision: A subdivision having a maximum density of one (1) residential lot for each 10 acres of ownership
- K. Cul-de-sac. A local street with only one vehicular outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- L. Cul-de-sac Temporary. A local street terminating in a turnaround, which may be extended as a through street in the future as part of future phases of the subdivision or the development of adjacent lands.
- M. Days. All references to days in this chapter shall mean business days.

- N. Development Envelope. Areas within a lot or subdivision that the clearing of trees, grading, pavement, and buildings may be located.
- O. Development Plan: A general site analysis for a conventional subdivision or for a conservation subdivision and its environs identifying and analyzing the natural and cultural features of the area.
- P. Driveway. A private access for ingress & egress from a public road right-of-way to private land.
- Q. Dwelling: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- R. Easement. Is a grant by a property owner for the use of land for a specific purpose.
- S. Final Plat. The map of record of a subdivision, and any accompanying material.
- T. Frontage. The length of the front property line of a lot abutting a public street, road, or highway.
- U. Grade. The slope of a road, street or other public way, specified in percent.
- V. Improvement. Any sanitary sewer, storm sewer, storm water drainage and retention/detention facilities, water main, or other facility for which the County, town or special use district may ultimately assume the responsibility for maintenance and operation.
- W. Land Division. Any division of a parcel of land where the act of division creates a new lot of less than 40 contiguous acres, excluding one quarter (1/4) of one quarter (1/4) section parcels as defined by the original Public Land Survey System.
- X. Lot. A parcel of land occupied by or designed to provide space necessary for one main building and its accessory buildings or uses that abuts a publicly dedicated street. A lot shall be created by a subdivision plat or certified survey map recorded with the Sauk County Register of Deeds Office.
- Y. Lot, Corner. A lot situated at the intersection of two streets.
- Z. Outlot. A parcel of land, other than a buildable lot or block, so designated on the plat, which is used to convey or reserve parcels of land. Outlots may be created to restrict a lot which is unbuildable due to high groundwater, steep slopes, or other physical constraints, or to create common open space. Outlots may also be parcels of land intended to be re-divided into lots or combined

with lots or outlots in adjacent land divisions in the future for the purpose of creating buildable lots. An outlot may also be created if a lot fails to meet requirements for a private onsite wastewater treatment system, but which may be buildable if public sewer is extended to the lot or land division. Section 236.13(6) of the Wisconsin Statutes prohibits use of an outlot as a building site unless it complies with all the requirements imposed for buildable lots. All restrictions related to an outlot shall be included on the face of the plat.

- AA. Owner. Any person, group of persons, firm, corporation or any other legal entity having legal title to the land sought to be divided under this title.
- BB. Parcel. Contiguous land owned, controlled, or managed by an owner, single or common interest. No street, highway, easement, railroad right-of-way, river, stream, or water body shall constitute a break in contiguity.
- CC. Plan Commission. The Town of La Valle Plan Commission as authorized by §60.62(4), §61.35 and §62.23 Wisconsin Statutes and established under Chapter 2.02 of the Code of Ordinances, Town of La Valle, Wisconsin.
- DD. Plat. A map of a subdivision.
- EE. Preliminary Plat. A map showing the salient features of a proposed subdivision, or land division submitted for purposes of preliminary consideration prior to all final plats and, when required, prior to a land division.
- FF. Preservation Area Easement. A legal agreement recorded with the Sauk County Register of Deeds, which conveys an interest in real estate imposing limitations and affirmative obligations on the type and amount of development that may take place on a property. For the purposes of this chapter said easement shall apply to Preservation Areas as part of a conservation subdivision.
- GG. Restrictive Covenant: A restriction on the future use(s) of property or other instrument of conveyance.
- HH. Right-of-way. Right-of-way is a strip of land occupied or intended to be occupied by a public street, walkway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other special use.
- II. Roadway. The surfaced portion of the street available for vehicular traffic.
- JJ. Sensitive Areas. Areas containing one or more of the following unique or locally significant resources: archaeological resources, critical wildlife

habitats, erodible land, flood hazard areas, stream corridors, wetlands or woodlands.

- KK. Service Road. A public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating unregulated ingress and egress to the right-of-way, and providing safe and orderly points of access at fairly uniformly spaced intervals.
- LL. Sewage Disposal System, Private a/k/a Private On-Site Waste Treatment System. An on-site septic or holding system approved for use by the State of Wisconsin Department of Commerce.
- MM. Street. A public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, land, throughway, or however otherwise designated, but excepting driveways to buildings.
- NN. Street, Collector. A street which carries traffic from local streets to the system of major arterials and highways, including the principal entrance streets of a residential development and the principal circulating streets within such a development.
- OO. Street, Half. A street bordering one or more property lines of a tract of land in which the subdivider has allocated only part of the ultimate right-of-way width.
- PP. Street, Minor. A street used primarily for access to abutting properties and local needs of a neighborhood.
- QQ. Street, Through. A street that begins and ends on another public street.
- RR. Subdivider. Any person, corporation, partnership, association, trust, or entity of sort or authorized agent thereof, who divides or proposes to divide land in any manner that results in a land division or subdivision as defined in this section.
- SS. Subdivision. The division of land for the purpose of transfer of ownership or building development, where the act of division creates four (4) or more lots, or where the act of division creates four (4) or more lots by successive division within a five year period.
- TT. Thoroughfare. A highway with a high traffic volumes, including collectors, major arterials, and limited access highways.
- UU. Town. Reference to town shall mean the Town of La Valle including Plan Commission, Town Board, Town Clerk and/or any others designated by Town Board.

VV. Walkway. A walkway or trail within a block, dedicated to public use and intended primarily for pedestrians.

WW. Zoning Regulations. The zoning regulations adopted by Sauk County.

Sec. 10.01.06 **Applicability and Scope**

The provisions of this Chapter apply to all unincorporated lands within the Town of La Valle where the act of division creates a new lot of less than 40 acres or the division of a quarter-quarter section. This chapter shall not repeal, impair or modify private covenants or other ordinances, except that it shall apply whenever it imposes stricter regulations. This chapter shall not apply to [see §236.45(2)]:

- A. Transfers of interest in land by will or pursuant to court order.
- B. Leases for a term not to exceed ten (10) years, mortgages or easements.
- C. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter, or the minimum size required by other applicable laws and ordinances.
- D. Assessor's Plats made under Section 70.27, Wisconsin Statutes. General Provisions

Sec. 10.01.07 **Compliance with Ordinances, Statutes, Regulations and Plans**

Any person, firm or corporation dividing land which results in a subdivision or a land division shall prepare a subdivision plat or a certified survey map in accordance with the requirements of this chapter and:

- A. The provisions of Chapter 236, Wisconsin Statutes.
- B. The rules of the Department of Commerce, including COMM. 83, Wisconsin Administrative Code, for subdivisions not served by public sewer.
- C. The rules of the Division of Highways, Wisconsin State Department of Transportation contained in Trans 233, Wisconsin Administrative Code for subdivisions that abut a state trunk highway or connecting street.
- D. The rules of the Wisconsin Department of Natural Resources contained in Chapter NR 115, Wisconsin Administrative Code for Shoreland Management Programs and other Wisconsin Department of Natural Resources regulations

for development in floodplain, wetlands, and shoreland areas and for setting water quality standards for prevention and abating pollutions.

- E. All applicable Town of La Valle and Sauk County ordinances and regulations, including but not limited to, zoning regulations, building codes, sanitary codes, erosion control regulations, and other land division regulations.
- F. Comprehensive plan or comprehensive plan component(s) adopted by Sauk County of Town of La Valle.
- G. The official map of any governmental unit having jurisdiction.

Sec. 10.01.08 **Right to Farm**

To inform future residents on farm life, farm noises, smells, and operational requirements, to protect farming operations, and limit actions against agricultural uses, all land divisions either by Certified Survey Map of subdivision plat, shall include the following statement on the first page thereof or in the subdivision covenants: "Through Wis. Stat. * 823.08, the Wisconsin Legislature has adopted a right to farm law. This statute limits the remedies of owners of later established residential property to seek changes to near-by pre-existing agricultural practices. Active agricultural operations are now taking place and are planned to continue in the vicinity of this Certified Survey Map/Subdivision Plat (choose one). These active agricultural operations may produce noises, odors, dust, machinery traffic or other conditions during daytime and evening hours.

Sec. 10.01.09 **Streets**

- A. Streets - General Considerations. Streets shall be designed and located in relation to existing and planned streets, to topographic conditions and natural terrain, to promote convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets. These provisions shall apply to all land divisions within the scope of this Chapter.
- B. Arrangement.
 - (1) All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way.
 - (2) All streets shall be properly designed to accommodate special traffic generators, such as industries, business districts, schools, churches, and shopping centers.
 - (3) Streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient

drainage and sewer systems, and to require the minimum amount of streets necessary to provide convenient and safe access to property.

- (4) The use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where such use may result in a more desirable layout.
- (5) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- (6) In business and industrial developments, the streets and other access-ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

C. Reserve Strips. Reserve strips controlling access to streets or alleys shall be prohibited except where their control is definitely placed with the Town of La Valle.

D. Access to Streets. The number of minor streets intersecting a collector street or major highway shall be kept to a minimum. Where a subdivision borders on or contains an existing or proposed major street, the Town may require that access to such streets be limited by one (1) of the following means:

- (1) A parallel street supplying frontage for lots backing onto the major street, such lots to be provided with a screen planting contained in a non-access reservation along the rear property line;
- (2) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major street;
- (3) A marginal access street or service road, separated from the major street by a planting or grass strip and having access thereto at suitable points.

E. Width of Streets. Minimum right-of-way of all new town roads shall comply with the Town Road Standards contained in Wisconsin Statutes; Sec. 82.50.

- (1) The Town may approve rights-of-way less than sixty-six (66) feet where the strict application of this standard is impractical and where

such deviation is not contrary to the public interest and safety and intent of this chapter.

F. Cul-de-sacs or Dead End Streets.

- (1) The use of cul-de-sacs in street layouts shall be limited to portions of developments, which, due to unusual shape, size, location, or topography, floodplain, wetland or other condition may better be served by cul-de-sacs than, by continuous streets. A layout making unrestricted use of cul-de-sacs or courts will not be acceptable.
- (2) A cul-de-sac shall not be longer than eight hundred, fifty (850) feet, measured on its centerline. The Town may find a greater length to be justifiable based upon topography or other circumstances beyond the control of the developer.
- (3) The Radius of a permanent cul-de-sac shall be not less than sixty (60) feet. Planting islands in the center of cul-de-sacs are not encouraged.
- (4) Temporary cul-de-sacs or "T" turnarounds may be required where a roadway will not be immediately completed as a through street. Temporary cul-de-sacs may be reduced to fifty (50) feet in radius if a larger diameter would effectively reduce the minimum lot size. The Town Board may approve turnarounds of smaller diameter or different design on a case-by-case basis. Dead end streets shall not be permitted without a suitable turnaround.

G. Half Streets. Half streets in new subdivisions shall not be permitted. Where an existing half street is adjacent to a new subdivision, the subdivider shall dedicate the other half of the street. Where a new subdivision abuts an existing street of inadequate right-of-way width, additional right-of-way width shall be required to be dedicated and the subdivider to meet the requirements of this chapter.

H. Street Intersections.

- (1) Streets shall be laid out so as to intersect as nearly as possible at right angles.
- (2) A proposed intersection to two new streets at an angle of less than seventy (70) degrees shall not be acceptable.
- (3) Not more than two (2) streets shall intersect at any one point unless specifically approved by the Town.

- (4) Proposed new intersections along one side of an existing street shall coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than two hundred twenty-five (225) feet shall not be permitted. Where streets intersect major streets their alignment shall be continuous.
- (5) Where the grade of any street at the approach of an intersection exceeds seven (7) percent, a leveling area shall be provided having not greater than four (4) percent grade a distance of fifty (50) feet measured from the nearest right-of-way line of the intersecting street.
- (6) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer at the direction of the Town, shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance.

I. Radii of Curvature. When a continuous street centerline deflects at any point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on the centerline of not less than 100 feet on minor streets.

J. Alleys.

- (1) Alleys may be required in commercial and industrial subdivisions to provide for off-street loading and service access, but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions.
- (2) The width of alleys shall be not less than twenty-four (24) feet.
- (3) Dead end alleys are prohibited except under very unusual circumstances and crooked and "T" alleys shall not be approved unless required by unusual topography or other exceptional conditions. Where dead end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.

K. Street names.

- (1) The Town may disapprove of the name of any street shown on the plat which has already been used elsewhere in the La Valle postal deliver zip code (53941) or the surrounding area or which, because of similarity, may cause confusion.

- (2) Where a street maintains the same general direction, except for curvilinear changes for short distances, the same name shall continue for the entire length of the street.
- (3) A name which is assigned to a street which is not presently a through street due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
- (4) Access roads adjacent to major highways (frontage roads and the adjacent highways) shall have the same street names and designation.
- (5) Approval of street names on a preliminary plat will not reserve the street name, nor shall it be mandatory for the Town to accept it at the time of final platting.

Sec. 10.01.10 Utility Easements

- A. Easements across lots or along rear or side lot lines shall be provided for utilities where necessary and shall be at least six (6) feet wide on each side of lot lines, and shall be designated as "Utility Easement" on the plat or certified survey map.
- B. Prior to approval of any final plat, the subdivider shall provide the Town with written concurrence of the adequacy and location of all utility easements from the utility companies, which will serve the proposed subdivision.

Sec. 10.01.11 Drainageway

Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided an adequate drainageways required by the Town. The location, width, alignment and grading of such easements shall be of such a width and design to accommodate the anticipated discharge from the property being subdivided and also the anticipated runoff that will occur when property at a higher elevation in the drainage basin is developed.

Sec. 10.01.12 Lots and Blocks

- A. Residential blocks.
 - (1) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.

- (2) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas should not, where practical, exceed one thousand eight hundred (1,800) feet. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand three hundred and twenty (1,320) feet in length.
 - (3) Pedestrian walkways, not less than ten (10) feet wide, may be required by the Plan Commission through blocks more than nine hundred (900) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
 - (4) Nonresidential blocks. Blocks designed for business, commercial, or industrial uses shall be of such length and width as may be determined suitable by the Town for the prospective use.
- B. Lots. In general, the size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of applicable zoning regulations. No lot area calculation shall include any road right-of-way or any easement that is twenty (20) feet wide or wider.
- C. Residential lots. Residential lots to be served by private sewage systems shall comply with the rules of the Department of Commerce.
- D. Business, commercial and industrial properties. Depth and width of lots to be used for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the appropriate zoning regulations.
- E. Corner lots. Corner lots for residential use shall have sufficient width to permit full building setback as required in the appropriate zoning regulations.
- F. Lot frontage. No lot shall be created or sold unless it is accessible to a street. Every lot shall have a minimum of 40 feet of frontage, which can provide adequate vehicular access directly from the lot to a public street. Lot frontage of less than forty (40) feet may be approved only where existing and potential ownership patterns make a larger frontage impractical or unnecessary.
- G. Drainage requirements. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage

shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

- H. Re-subdivision of parcels. In case a lot is subdivided into lots containing five (5) or more acres, it is recommended that such parcels shall be arranged to allow the future re-subdivision into smaller lots in accordance with the provisions of this code.
- I. Lot lines. Lot lines shall follow the Town boundary lines whenever practicable.
- J. Double frontage and reversed frontage lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic on major highways or to overcome specific disadvantages of topography and orientation. Whenever the proposed land division contains or is adjacent to a major street or highway, adequate protection of residential properties is required. Adequate protection is met by limiting access and separating through and local traffic and shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line or by the use of frontage streets.

Sec. 10.01.13 Water and Sewage Disposal System

Subdivider shall construct or install all improvements as herein required. Construction or installation of such improvements shall not commence until the Final Plat or Certified Survey has been recorded. All work or improvements to the subdivision shall also be subject to inspection by the Town to determine conformance with any applicable requirements.

- A. The Town encourages the use of private shared water supply wells and private on-site waste treatment systems.
- B. Where connection to a public water system is deemed available by the Town, through extensions from the Village of La Valle or other entities under Wisconsin Statutes §66.0301, the subdivider shall install, the public water distribution system and services necessary to serve the subdivision. Mains shall be extended to the perimeter of the subdivision by the subdivider. All costs associated with the installation of the water distribution system, including those of the Town, shall be borne by the subdivider. The water distribution system shall be installed in accordance with the plans and specifications approved by the Town and the rules and regulations and requirements of the Wisconsin Department of Natural Resources.

- C. Where connection to a public sanitary sewer is deemed available by the Town, through extensions from the Village of La Valle or other entities under Wisconsin Statutes §66.0301, the subdivider shall install sanitary sewers, interceptors, pumping stations and force mains, and laterals to serve all lots in the subdivision. Sanitary sewer mains shall be extended to the perimeter of the subdivision by the subdivider. All costs associated with the installation of the public sanitary sewers, including those of the Town, and all sanitary interceptor area or connection charges levied by sewerage district, the Town, or other village or municipality whose charges are approved or certified by the Town prior to the commencement of the installation, shall be borne by the subdivider. The installation shall be in accordance with the plans and specifications approved by the Town and the rules and regulations and requirements of the Wisconsin Department of Natural Resources.

Sec. 10.01.14 Grading and Surfacing of Public Roads

The subdivider shall grade and construct improvements on all town roads dedicated in a final plat or certified survey. In addition, subdivider shall grade and construct improvements for existing town roads and highways adjacent to the final plat or certified survey as deemed necessary by the Town. All costs associated with the grading and construction of improvements on roads, including those of the Town, shall be borne by the subdivider.

- A. Street Grades. Street grades shall comply with town road standards contained in Wisconsin Statutes, Section 82.50, however, the minimum grade shall be no less than 1/2 of one percent and the maximum grade shall be 8%. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.
- B. Roadway/Surface Width. All streets shall be graded and surfaced in accordance with the plans, specifications and requirements approved by the Town of La Valle. Please refer to Chapter 4.01 of the Town of La Valle Code of Ordinances for roadway requirements.

Sec. 10.01.15 Storm Water Drainage Facilities

Subdividers shall submit a storm water management plan and construct storm water drainage improvements that incorporates facilities of a size and design that will assure that the anticipated discharge of storm water following the development of the land is less than or equal to the discharge preceding the development. Design volumes for flow shall not present a hazard to life or property. Storm water drainage improvements shall be installed in accordance with plans and specifications approved by the Town. The guidelines, standards and specifications contained within "The Wisconsin Storm Water Manual" or successor publications issued by the Wisconsin

Department of Natural Resources, will provide a framework for the development, review and implementation of the storm water plan. The provisions for ownership and maintenance of the storm water facilities shall be provided as part of a management plan document as specified under 0 and which shall be recorded with the Sauk County Register of Deeds. Approved storm water facilities shall be installed prior to the commencement of any grading not directly associated with the installation of such facilities.

Sec. 10.01.16 **Erosion Control**

The subdivider shall take all steps necessary to prevent the erosion, siltation, sedimentation, washing and blowing of dirt and debris caused by grading, excavations open cuts, side slopes, and other activities. The developer shall prepare submit an erosion control plan To the Wisconsin Department of Natural Resources as required by Wisconsin Administrative Code NR 151 and the Sauk County Planning and Zoning Department as required by Sauk County Ordinance 22.56 to determine the adequacy of the proposed measures. The Sauk County Planning, Zoning, and Records Committee's approval of the erosion control plan shall be obtained, copies of the County-approved erosion plan provided to the Town, and all erosion control structures shall be in place prior to commencement of any land surface disturbances not associated with installation of such structures. Where the method of control has failed, the subdivider shall immediately clean up the materials which have been displaced and reconstruct and/or modify erosion control measures, prior any additional construction or land surface disturbances occurring.

Sec. 10.01.17 **Special Assessments**

The Town may, by ordinance, provide the cost of installing or constructing any public work or improvement shall be charged in whole or in part to the property benefited, and make an assessment against the property benefited in the manner that the governing body determines. The special assessment is a lien against the property from the date of the levy. Special assessments are governed by Section 66.0701 of the Wisconsin Statutes.

Sec. 10.01.18 **Construction Plans and Specifications**

When public improvements are proposed, all construction plans and specifications for proposed public water, sanitary sewer, streets, drainage and traffic improvements shall be designed, signed, sealed and dated by a Registered Professional Engineer licensed in the State of Wisconsin. All construction plans or drawings must be accompanied by a geotechnical report signed, sealed and dated by a Registered Professional Engineer. The Town may require preliminary construction plans indicating existing and proposed grades for new public roads be submitted with the application for approval of a final plat or certified survey. Final construction plans and specifications shall be submitted to and approved by the Town prior to commencement of any grading in the subdivision or certified survey.

Sec. 10.01.19 Preliminary Utility Plans

The preliminary utility plan shall indicate the general location and approximate sizes of all existing and proposed public utilities. The Preliminary Drainage Analysis shall be prepared by a Registered Professional Engineer licensed in the State of Wisconsin and shall contain drainage calculations.

Sec. 10.01.20 Public Access to Navigable Waters

All subdivisions abutting on a navigable lake or stream shall, according to the provisions of section 236.16(3) of the Wisconsin Statutes.

Sec. 10.01.21 Dedication of Lands for Streets and Public Ways

Whenever a lot to be divided or sold as a subdivision or as a land division contains all or in part, a street, drainageway, or other public way, which has been designated in a comprehensive plan defined in this chapter, or an official map adopted under Wis. Stat. § 62.23, said street or public way may be required to be platted and dedicated in the location and width indicated unless otherwise provided herein. Any street created for the purposes of this Chapter shall be made a part of a final plat or certified survey, and dedicated to the public for street purposes. However, the dedication of street right-of-way shall not create a commitment on the part of any public agency to construct, improve or maintain any roadbed placed upon said right-of-way. Acceptance of any street, road or highway for maintenance purposes shall require compliance with the design and construction standards of this chapter and those of the applicable highway maintenance authority.

Sec. 10.01.22 Dedication of Lands for Parks, Playgrounds, Open Space and/or Other Facilities

The subdivider shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs to be created by the subdivision. At least five percent (5%) of all lands included in a final plat or certified survey shall be dedicated to the public for parks, playgrounds, open Space and/or other facilities. The subdivider will be responsible for final grading and seeding of parkland to the satisfaction of the Town and in compliance with other specifications.

Where, in the sole discretion of the Town, there is no land suitable for parks within the proposed subdivision, the dedication of land required is not feasible, or the dedication of land would not be compatible with the Town's Comprehensive Plan, land dedication for parks, playgrounds, open Space and/or other facilities may reduce or not be required.

Where common open space in Conservation Subdivisions provides lands for park and recreational purposes which will be privately owned and maintained by the future residents of

the subdivision, such areas shall be credited against the requirement of dedication for park and recreation purposes, or the payment of fees in lieu thereof, provided the Town finds that the following standards are met:

- A. That the private ownership and maintenance of the open space is adequately provided for by recorded, written agreement and open space easement; and
- B. That the use of the common open space is restricted for park and recreational purposes which run with the land in favor of the future owners of property within the subdivision and which cannot be modified or eliminated without the consent of the Town Board; and
- C. That the Town Board after recommendation from the Plan Commission determines that the proposed common open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the common open space land.

Sec. 10.01.23 Reservation of Lands for Parks, School Sites or Public Sites

Whenever a land to be subdivided includes all or in part a site for a park or other public use designated in an adopted official map, and the area designated is in excess of the amount of land required to be dedicated in this Chapter, the excess amount of land shall be reserved for public acquisition for a period of three (3) years from the date of approval of the final plat, unless extended by mutual agreement between the Town and the subdivider.

Sec. 10.01.24 Pre-Application Procedure

Prior to submitting an application for approval of a preliminary plat, or final plat, the subdivider and/or his agent shall consult with the Plan Commission for advice and assistance for the purpose of reviewing the procedures and requirements of this chapter and other ordinances, and any plans or data which may affect the proposed development. The subdivider shall schedule an appointment and meet with the Plan Commission to discuss the procedure for approval of a conservation subdivision, certified survey, or conventional subdivision, including submittal requirements and design standards.

After the initial meeting, a site visit, by the Plan Commission, with the subdivider and representatives of Town Board will be scheduled. The Plan Commission will also encourage participation in site visit by representatives of the Sauk County Planning and Zoning Department and other agencies as may be deemed appropriate. The purpose of the site visit is to familiarize the Plan Commission and other reviewing agencies with the property's existing conditions and special features, to identify potential site development issues, and provide an informal

opportunity to discuss site design concepts, including, in part, the general layout of common open space, street alignments, and potential building site locations.

Sec. 10.01.25 **Development Plan**

Prior to submitting a preliminary plat or final plat, the subdivider shall submit a development plan, which addresses the broader issues of development and land use in and around any proposed subdivision. The purpose of the development plan is to generate information which provides for the analysis of developmental proposals to ensure the development layout is proceeding in an orderly manner consistent with the chapter, the Town's Comprehensive Plan, and other pertinent regulations or requirements. The general physical and cultural characteristics of the land on which development is proposed should be ascertained by the subdivider and the Plan Commission before major resource commitments are made. There is no specific format for preparing a development plan, however the data used to prepare the development plan is typically information that can be obtained from readily available sources (i.e., Sauk County, U.S.G.S., N.R.C.S., D.A.T.C.P., DNR, the Wisconsin State Historic Preservation Office (WisSHPO), etc.), rather than from detailed field investigations. However, the developer is expected to prepare a comprehensive presentation of the information required. At a minimum, the area to be included in a development plan shall include all contiguous lands owned, leased, optioned or otherwise under the control of the developer, plus those adjacent areas specified in this section. The following data shall be presented and analyzed in a development plan:

- A. Geographical information: Boundaries of the developer's property, and boundaries of the proposed subdivision, if different; ownership and location of all adjacent properties (excluding public rights-of-ways and streams less than three hundred (300) feet wide); location and name of all public rights-of-way and publicly owned lands within one thousand (1,000) feet of any property boundary; location, size and ownership of all public utilities within three hundred (300) feet of the property.
- B. Natural features: Soil conditions, including wet areas and rock outcrops; general topography and delineation of all areas with slopes over twelve percent (12%); geology, including approximate depth to bedrock, and ground water resources (depth, quality and quantity); location and names of all streams, lakes and flood plains within one thousand (1,000) feet of the property; vegetative cover on the property and all contiguous properties.
- C. Historical and Cultural features: Architectural, historical, archaeological, or other significant cultural features on the property or within one thousand (1,000) feet of the property.

- D. Existing zoning of the property and all contiguous properties; all existing easements on the property; the boundary of any unit of government within one thousand (1,000) feet of the property; location of any airport, solid waste disposal site, sewage treatment facility, water treatment plant, school, or cemetery within one thousand (1,000) feet of the property.
- E. Development proposal: Approximate density and type of development; proposed land use(s); approximate lot sizes (minimum, maximum and average); approximate location and size of all streets, public dedications and utilities proposed; proposed filling, grading, lagooning, dredging and/or flood proofing; anticipated timing of the development; where appropriate, the developer may wish to obtain and attach the comments of affected agencies, groups and/or individuals.
- F. Additional requirements for a conservation subdivision. To aid the Plan Commission in determining whether the applicant has accomplished the design objectives for a conservation subdivision as described in Section Sec. 10.01.35, the development plan shall also include:
 - (1) Vegetation of the site by general land covers type.
 - (2) Visual resources, showing view sheds onto the site from surrounding roads and public areas. Photographs can be used to demonstrate view sheds.
 - (3) Potential development areas. Areas of the site that protect conservation areas and substantially protect the visual and physical impacts of development on the conservation areas.
- G. Form of presentation: The methods used by the developer to prepare and present the development plan shall be governed by the Town's need for a clear, concise description of the proposed development.

Sec. 10.01.26 **Development Plan Procedure**

- A. A development plan shall be submitted, for review by the Plan Commission and Town Board, prior to the submission of a preliminary plat, or final plat. A developmental plan, together with twelve (12) copies and an electronic file (PDF), shall be submitted to the Town Clerk. A development plan review fee, shall also be paid at the time of submission of the development plan.
- B. At a minimum, the review and comment procedure will consist of:
 - (1) Informational public meetings. The Plan Commission may hold informational meetings or open houses with the community as

determined appropriate by the Plan Commission to provide the subdivider a forum whereby interested citizens may ask questions and learn more about the proposed development. All interested parties may review and comment, in writing, or orally, on any development plan submitted. All written comments shall be submitted to the Plan Commission.

- (2) The Plan Commission shall consider the development plan at a minimum of one (1) Plan Commission meeting. The Plan Commission may invite representatives of the Sauk County Planning and Zoning Department and other agencies as may be deemed appropriate to participate in the meeting. The subdivider will be afforded an opportunity to present the plans for the development at the Plan Commission meeting and answer questions. The Plan Commission, after reviewing the development plan proposal and comments received, shall report their findings concerning the suitability and appropriateness of the development proposal to the subdivider and to the Town Board, the Sauk County Planning and Zoning Department, and the town(s), village(s) and/or city(ies) directly affected by the proposed development.
- (3) As part of its report, the Plan Commission may recommend waiver of the requirement to submit a preliminary plat (Sec. 10.01.28).
- (4) The Town Clerk shall schedule a public hearing before the Town Board. The subdivider shall be afforded an opportunity to present the plans for the development and all interested parties may comment, in writing, or orally, on the development plan at the Public Hearing.
- (5) The Town Board shall, within 60 days of receipt of a complete development plan by the Town Clerk consider of the Plan Commission's recommendations and comments received at the public hearing, approve, conditionally approve, or reject the development plan.
- (6) The Town Board shall report its findings to the Sauk County Planning and Zoning Department, and the town(s), village(s) and/or city(ies) directly affected by the proposed development.
- (7) The Plan Commission and Town Board shall consider the development plan and the comments generated when acting on any subsequent preliminary or final plat.

No land shall be divided or subdivided for a use which is held unsuitable by the Plan Commission for reason of flooding or potential flooding, soil limitations, inadequate drainage, incompatible surrounding land use, or any other condition likely to be harmful to the health, safety or welfare of the future residents or users of the area, or to the residents of the Town of La Valle.

Except as provided herein, the Plan Commission shall determine land suitability at the time the first required submission is considered for approval. The subdivider shall furnish such maps, data and information as may be necessary to make a determination of land suitability for development with the first required submission. In addition, the subdivider shall be required to submit the following additional information, upon request of the Plan Commission, for developments located in an area where flooding or potential flooding may be a hazard.:

- A. Two (2) copies of an aerial photograph, or two (2) maps prepared by a registered land surveyor or engineer, which accurately locates the proposed development with respect to flood plain zoning district limits if present, channel or stream fill limits and elevations, and flood proofing measures taken or proposed to be taken.
- B. Two (2) copies of a typical valley cross-section showing the channel of the stream, the flood plain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information.
- C. Two (2) copies of a profile showing the slope of the bottom of the channel or flow line of the stream.
- D. Such other data as may be required to determine land suitability.

When a proposed subdivision is located in an area where flooding or potential flooding may be a hazard, the Plan Commission shall transmit to the Division of Water – Floodplain Management, Wisconsin Department of Natural Resources, one (1) set of the information required and shall request that agency to provide technical assistance in determining whether the land is suitable or unsuitable for the use and development proposed, or whether certain modifications, limitations, improvements, or other conditions of the development can overcome the land unsuitability.

Where a proposed subdivision is located wholly or partly in an area where flooding or potential flooding may be a hazard, the Plan Commission shall apply the following standards in addition to all other requirements in the approval of plats and certified survey maps.

- E. The development shall be in accordance with flood plain management standards of the Division of Water Regulation and Zoning, Wisconsin Department of Natural Resources.

- F. Building sites must be filled to a height and area sufficient to provide protection from the regional flood as defined by and according to the standards of said Division of Water Regulation and Zoning.
- G. Development shall be carried out or assured so as to not have an adverse effect on flood flows or storage capacity standards of said Division of Water Regulation and Zoning. Unless specifically exempted from this requirement elsewhere in this chapter, all subdivision proposals where private water and/or sewage disposal systems are to be used shall be accompanied by certifications and/or reports:
- H. Describing the probable depth, cost and yield of private wells. This report shall be based on competent scientific investigation and shall include the sources of all data used in the preparation of the report.
- I. Describing the soil conditions existing on the site as applicable to on-site waste disposal. A soils report shall accompany all subdivision proposals.
- J. The subdivider may, as a part of the pre-application procedures, request a determination of land suitability, providing that he shall provide all necessary maps, data and information for such a determination to be made.

In applying the provisions of this section, the Plan Commission shall, in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable for the intended use or development and afford the subdivider an opportunity to present evidence and the means of overcoming such unsuitability, if he so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

Sec. 10.01.28 Preliminary Plat

Unless requirements for Preliminary Plat are waived as provided in Sec. 10.01.26(3), a preliminary plat shall be prepared based upon a survey by a registered land surveyor. The preliminary plat shall include the entire contiguous area owned or controlled by the subdivider. The preliminary plat shall be drawn at a scale of one hundred (100) feet to one (1) inch, and shall show correctly on its face:

- A. Date, graphic scale and north point.
- B. Name of the proposed subdivision.
- C. Name, address and telephone number of the owner, the subdivider, the land surveyor preparing the plat, and the person to be contacted regarding the plat.

- D. Location of the proposed subdivision by legal description and indication on township map(s).
- E. The exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey, and the total acreage encompassed thereby.
- F. Location and names of adjacent subdivisions, parks, cemeteries, and owners of record of abutting unplatted lands.
- G. Location, dimensions and names of all existing easements and rights-of-way within or adjacent to the proposed subdivision.
- H. Location, dimensions and names of all proposed streets, location of existing property lines, buildings and structures, drives, rock outcrops, wooded areas, railroads, and other similar significant features within or adjacent to the proposed subdivision.
- I. Location and approximate high water elevations of all streams and water courses, lakes, marshes and flowages within one thousand (1,000) feet of the proposed subdivision.
- J. Delineation of flood plain and zoning boundaries within and adjacent to the proposed subdivision.
- K. Contours at vertical intervals of not more than two (2) feet for a slope less than twelve percent (12%) and five (5) feet for a slope of twelve percent (12%) or more.
- L. On-site sewage disposal suitability, including soil suitability, depth to ground water and bedrock, and slope.
- M. Source and availability of potable water supplies.
- N. Location and approximate dimensions of any sites to be reserved or dedicated for parks, , playgrounds, drainageways, walkways, open space, and other public or private uses.
- O. Approximate dimensions of all lots, together with proposed lot and block numbers.
- P. Approximate radii of all curves.
- Q. A draft of any proposed covenants, deed restrictions, and Preservation Area Easements.

- R. The Town may require the subdivider to submit a storm water plan and an erosion control plan. See Sec. 10.01.15 and Sec. 10.01.16 of this chapter.

Sec. 10.01.29 Preliminary Plat Procedure

- A. Unless requirements for Preliminary Plat are waived as provided in Sec. 10.01.26(3), a preliminary plat shall be required for all conservation subdivisions and conventional subdivisions.
- B. The application for approval of a preliminary plat shall include all data required by this chapter accompanied by one (1) reproducible, twelve (12) copies of the proposed preliminary plat and an electronic file (PDF). A preliminary plat review fee, shall also be paid at the time of submission of the preliminary plat.
- C. The Town Clerk shall forward copies of each preliminary plat submitted to all units of general purpose local government within one thousand (1,000) feet of the area shown in the preliminary plat.
- D. The Plan Commission shall consider the preliminary plat at a Plan Commission meeting. The Plan Commission will invite representatives of the Sauk County Planning and Zoning Department and other agencies as may be deemed appropriate to participate in the meeting. The subdivider shall be afforded an opportunity to present the preliminary plat at the Plan Commission meeting and answer questions. The Plan Commission, after reviewing the preliminary plat and comments received, shall report their findings and recommendations to the subdivider and the Town Board.
- E. The Town Clerk shall schedule a public hearing before the Town Board. The subdivider shall be afforded an opportunity to present the plans for the development and all interested parties may comment, in writing, or orally, on the preliminary plat at the public hearing.
- F. The Town Board shall, within 60 days of receipt of a preliminary plat by the Town Clerk approve, conditionally approve, or reject the preliminary plat. The Town Board shall consider the Plan Commission's recommendations and comments received at the public hearing, and shall approve, conditionally approve, or reject the preliminary plat, based on its determination of conformance with the provisions of this chapter. The Town Board will report its findings to the Sauk County Planning and Zoning Department, and the town(s), village(s) and/or city(ies) directly affected by the proposed development.

Sec. 10.01.30 **Final Plat**

The final plat of the proposed subdivision shall comply with the requirements of Chapter 236 Wis. Stats., and the provisions of this chapter.

Sec. 10.01.31 **Final Plat Procedure**

Provided that all preliminary procedures have been completed and approved by the Town Board, the subdivider shall submit twelve (12) copies of the final plat and an electronic file (PDF) to the Town Clerk. A final plat review fee, shall also be paid at the time of submission of the final plat.

The Town Clerk shall forward copies of the final plat to all units of general purpose local government within one thousand (1,000) feet of the area shown in the preliminary plat.

The Plan Commission shall consider the final plat at a Plan Commission meeting. The Plan Commission will invite representatives of the Sauk County Planning and Zoning Department and other agencies as may be deemed appropriate to participate in the meeting. The subdivider shall be afforded an opportunity to present the final plat at the Plan Commission meeting and answer questions. The Plan Commission, after reviewing the final plat and comments received, shall report their findings and recommendations to the subdivider and the Town Board.

The Town Board shall, within 45 days of receipt of the final plat submittal approve, conditionally approve, or reject the final plat. The Town Board shall consider the Plan Commission's recommendations and comments received and shall approve, conditionally approve, or reject the final plat, based on its determination of conformance with the provisions of this chapter.

Town Board approval shall be required prior to final county approval, where applicable.

Sec. 10.01.32 **Certified Survey Map**

The certified survey map shall comply with the provisions of Wis. Stat. § 236.34 and the provisions of this chapter. A certified survey map of not more than 3 parcels of land consisting of lots or outlots may be recorded in the office of the register of deeds of the county in which the land is situated per Sauk County Ordinance § 22.25.

Sec. 10.01.33 **Certified Survey Map Procedure**

- A. No person, firm or corporation shall divide any land located within the Town of La Valle which shall result in a land division, as defined by this chapter without first filing for review by the Plan Commission; approval by the Town Board and subsequently recording with the Sauk County Register of Deeds a certified survey map which complies fully with Wis. Stat. § 236.34, and with all applicable requirements contained within this chapter.
- B. Subdivider shall complete and submit an "Application for Approval of Certified Survey Map (CSM)" on form prescribed by Plan Commission. A certified survey map shall include all lots, parcels or building sites created by a land division, and all remnants of the original parcel that are ten (10) acres or less in size.
- C. Twelve (12) copies of the Certified Survey Map and an electronic file (PDF) shall be supplied to the Town Clerk. The Plan Commission shall review and recommend to the Town Board: 1) approval, 2) conditional approval, or 3)

reject the certified survey map, based on a determination of conformance with the provisions of this chapter. The Town Board shall review all comments made by the Plan Commission and approve, approve conditionally or rejection within sixty (60) days. Failure of the Town Board to comment shall be construed to indicate town approval.

- D. The certified survey map shall be prepared by a registered land surveyor at a scale of not more than four hundred (400) feet to one (1) inch. The certified survey map shall include:
- (1) The name and address of the individual dividing the lands.
 - (2) The date of the survey.
 - (3) The area(s) of the parcel(s) being created in square feet and acres.
 - (4) The locations of buildings, drives, streams, ponds, lakes, and other waterways, marshes, natural features, historical sites, flood plains, and other significant features within the parcel(s) being created with appropriate restrictions (may need separate recordable document).
 - (5) The distance from existing structures to all existing and proposed lot lines.
 - (6) A note stating: "All building construction on lots being created shall conform to highway setbacks, rear yard, and side yards as prescribed in the Sauk County Zoning Ordinance" or where applicable for Shoreline Zoning, "All building construction on lots being created shall conform to highway setbacks, shoreline setbacks, and side yards as prescribed in the Sauk County Shoreline Protection Ordinance."
 - (7) A Right to Farm note stating "'Through Wis. Stat. 823.08, the Wisconsin Legislature has adopted a right to farm law. This statute limits the remedies of owners of later established residential property to seek changes to near-by pre-existing agricultural practices. Active agricultural operations are now taking place and are planned to continue in the vicinity of this Certified Survey Map. These active agricultural operations may produce noises, odors, dust, machinery traffic or other conditions during daytime and evening hours.'"
 - (8) Delineation of area(s) where building, clearing, grading, etc. are restricted or proposed to be restricted to preserve vistas, protect forestlands, etc. (typically require separate recordable document).

- (9) The location of an existing on-site sewage disposal system and water supply wells.
- (10) A statement on the face of the certified survey map that the parcel(s) created are considered unbuildable until a soil evaluation report as required by the Department of Commerce is filed in the Department. If the parcel has access to a public sanitary sewage system, the surveyor shall note on the face of the certified survey map that the parcel(s) are unbuildable unless a hookup is made to the public sanitary sewer.
- (11) A metes and bounds description referenced to a line and a corner of
- (12) When dedication of lands is required, an owner's certification of dedication prepared in accordance with Wis. Stat. § 236.34 and a governmental jurisdiction certificate of acceptance of the dedication, approved by the full governing body of the accepting jurisdiction.
- (13) Proof of compliance with Trans 233 Wis. Adm. Code where applicable. Where access to lots from public highway is restricted due to vision clearance, grades, or other physical restrictions, show proposed access locations on CSM. Shown existing access restrictions to highways and provide:
 - (a) On State Highways – Wisconsin Department of Transportation's approval of access locations.
 - (b) On County Highways – Sauk County Highway Department approval of access locations

Sec. 10.01.34 **Monuments**

Before final approval of any subdivision within the Town of La Valle, the subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats. The Town may waive the placement of monuments for a reasonable time on the condition that the subdivider executes a surety bond to insure the placing of such monuments within the time required. The Town Clerk is authorized to accept such surety bonds and contracts in the amount approved by the Town Board.

Sec. 10.01.35 **Conservation Subdivision Design Standards**

- A. Intent. It is the intent of this section to encourage the use of what is non-traditional subdivision design that would cluster the residential parcels and preserve open space/agricultural land. In so doing the overall density as required by zoning is maintained without sprawling the home sites over a large area.

- B. Design and Evaluation Criteria. In evaluating the layout of lots and open space, the following criteria will be considered by the Town as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this chapter. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Town shall evaluate proposals to determine whether the proposed conceptual preliminary plan:
- (1) Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the town for essential infrastructure or active or passive recreation amenities).
 - (2) Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating buildings and pavements within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands that raise an equal or greater preservation concern. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.
 - (3) If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs, and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species found in a typical nearby woodlot).
 - (4) Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
 - (5) Designs around existing hedgerows and tree lines between fields or meadows, and minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat. Also, woodlands of any size on highly erodible soils with slopes greater than 10% should be avoided. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields,

etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.

- (6) Leaves scenic views and vistas unblocked for uninterrupted, particularly as seen from public thoroughfares. For example, in open agricultural landscapes, a deep “no-build, no plant” buffer is recommended along the public thoroughfare where those views or vistas are prominent or locally significant. The concept of “foreground meadows,” with homes facing the public thoroughfare across a broad grassy expanse is strongly preferred to mere buffer strips, with or without berms or vegetative screening. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep “no-build, no-cut” buffer should be respected, to preserve existing vegetation.
- (7) Avoids siting new construction on prominent hilltops or ridges by taking advantage of lower topographic features.
- (8) Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Fish and Wildlife Service and/or by the Wisconsin Department of Natural Resources.
- (9) Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, earthworks, and burial grounds.
- (10) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic, corridor of rural roads with historic buildings, stone walls, hedgerows, and so on.
- (11) Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native species shade trees and shrubs with high wildlife conservation value. Deciduous shade trees shall be planted at forty-foot intervals on both sides of each street, so that the neighborhood will have a stately and traditional appearance when they grow and mature. These trees shall generally be located at the edge of the right-of-way, within a planting strip of not less than five feet in width.
- (12) Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby buildings.
- (13) Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties

and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).

- (14) Provides open space that is reasonable contiguous. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels. Such subdivision open space shall be designed as part of larger contiguous and integrated greenway systems, as per the Town's comprehensive plan.

Sec. 10.01.36

Minimum Open Space and Density Allowance

Conservation subdivisions shall have a density where 60% of the original parcel may be developed (development area) and 40% of the original parcel must remain as open space (preservation area). The maximum lot density of a conservation subdivision shall also require that the maximum density of the development area not exceed (1) unit per acre lot and which excludes land utilized by road right-of-way. Storm water detention basins and other non-structural uses may be included as part of the minimum required open space. For example, 60 acres (60%) of a one hundred (100) acre parcel minus four (4) acres utilized for road rights-of-way will yield 56 acres or a maximum number of permitted single family lots / density units of 56 lots. Open space required and maximum number of lots allowed shall be determined according to the following methodology:

1. Gross Acres of Site	Acres
2. Total Unbuildable land (see note below)	Acres
3. Total Buildable (subtract line 2 from line 1)	Acres
4. Open Space Required (multiple line 3 by 40%)	Acres
5. Maximum number of lots (Subtract line 4 from line 3) – 1 lot/acre	Lots
<p>Note: Unbuildable lands include lands with a slope greater than 12%, land having a depth to bedrock less than 5 feet and lands located: within existing street, utility or railroad right-of-ways; within 75 of the Ordinary High Water Mark (OHWM) of navigable watercourses; within 100-year floodplains; within wetlands and 50 feet of the perimeter of wetlands.</p>	

Sec. 10.01.37**Condominium Plat Density & Design Standards**

- A. Intent. It is the intent of this section to require condominium plat design that would cluster the dwelling units and preserve open space/agricultural land. In so doing the overall density as required by zoning is maintained without sprawling the dwelling units over a large area.
- B. Density Standards. In no case shall the maximum number of units in a condominium exceed the maximum number of lots the same parcel could have accommodated under this Chapter if the parcel had been conventionally divided. Condominium plats shall have a density of where 60% of the original parcel may be developed (development area) and 40% of the original parcel must remain as open space (preservation area). The maximum dwelling unit density of a condominium plat shall require that the maximum density of the development area not exceed dwelling unit per acre of developable land, which excludes land utilized by road right-of-way. Storm water detention basins and other non-structural uses may be included as part of the minimum required open space. The minimum open space and number of allowable dwelling units will be determined by the process defined in Section 10.01.36.
- C. Design and Evaluation Criteria. In evaluating the layout of dwelling units and open space, the criteria specified in Section 10.01.35 will be considered by the Town as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this chapter. Diversity and originality in dwelling unit layout shall be encouraged to achieve the best possible relationship between development and conservation areas.

Sec. 10.01.38**Common Open Space Ownership Standards**

- A. Permanent Protection. All Common Open Space shall be shown as outlot(s) and shall be permanently restricted from further development and/or land development by deed restriction in a form acceptable to the Town. Under no circumstances shall any development be permitted at any time within conservation lands, except for those approved by the Town and included in the deed restriction.
- B. Ownership of Common Open Space. The following methods may be used, either singly or in combination, for ownership of parks, playgrounds, open space, or other common facilities. The common open space shall not be transferred to another entity except in compliance with this subsection. Documentation of the proposed ownership arrangement for the common open space shall accompany the plat or certified survey map, including any draft contracts, articles of incorporation, by-laws, etc. The subdivider shall arrange with the tax assessor a method of assessment of the common open space which will allocate to each tax parcel in the subdivision a share of the total

assessment for such common open space. The following forms of ownership are acceptable:

- (1) Homeowners Association. The members of a homeowners association subject to the following requirements shall hold open space in common ownership as undivided proportionate interests. The subdivider shall provide to the Town a description of the Homeowners Association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common open space.
 - (a) The organization shall be established by the owner or subdivider and shall be operating, with financial subsidy by the subdivider, if necessary, prior to the sale of any lots in the development.
 - (b) Membership in the organization shall be mandatory for all purchasers of all lots in the subdivision and their successors and assigns.
 - (c) The organization shall be responsible for maintenance and implementation of the land stewardship plan and property insurance of land.
 - (d) The members of the organization shall share equitably the costs of maintaining, insuring, and operating conservation land.
 - (e) The organization shall have or hire adequate staff to administer, maintain, and operate common open space.
- (2) Conveyance of a Preservation Area Easement. Land preserved as a Preservation Area shall be accomplished through the conveyance of a Preservation Area Easement. There shall be no cost of acquisition to the Town for said easement. The Preservation Area Easement benefits and binds all occupants, lessees, owners, heirs and assigns of the Preservation Area.
- (3) Management Plan. To ensure adequate operation and maintenance of parks, playgrounds, open space, and other facilities, including storm water management facilities, a management plan shall be prepared and submitted at the time of application for approval of a plat by the Town. The management plan shall:
 - (a) Define ownership.
 - (b) Define the use.
 - (c) Establish necessary operation and maintenance responsibilities.
 - (d) Estimate service contract needs, insurance requirements, and other associated costs and defines the means for funding the same on an on-going basis..
 - (e) Include a storm water management plan.
 - (f) Include a section specifically focusing on the long-term management of the Preservation Area.

- (g) Include provisions for cutting of trees, grading, removal of topsoil, or alterations to watercourses and water bodies.
- (4) At the Town's discretion, the subdivider may be required to provide a performance bond, letter of credit or escrow sufficient funds for the maintenance and operation costs of parks, playgrounds, open space and common facilities for a period of one year.
- (5) Modification of the management plan after final plat approval may be allowed with approval of the Town.
- (6) Management plans and subsequent modifications shall be recorded with the Sauk County Register of Deeds.
- (7) In the event that the association established to own and maintain common open space, or any successor organization thereto, fails to properly maintain all or any portion of the common open space, the county may serve written notice upon such association setting forth the manner in which the association has failed to maintain the common open space. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor organization, shall be considered in violation of this chapter, in which case the Town shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common open space.

Sec. 10.01.39 **Conventional Subdivision Density and Design Standards**

- A. Intent. It is the intent of this section that by setting the size of conventional subdivisions at one (1) residential lot for each (10) acres, the Town has provided developers with an incentive to create conservation subdivisions.
- B. Density Standards. Conventional subdivisions shall have a Maximum density of one (1) residential lot for each 10 acres of ownership. For example, a 100 acre parcel would be permitted a maximum of 10 lots of any size, although lots would still be subject to the lot requirements of Section 10.1.14 or any other state, county, or local law.

Sec. 10.01.40 **Plan Commission**

The Plan Commission shall be empowered to conduct such hearings and meetings as necessary in accordance with this chapter, and to recommend to the Town Board, approval, conditional approval or rejection of applications under the terms as set forth herein.

Sec. 10.01.41

Fees, Enforcement, Variances and Appeals

A. Fees.

- (1) Application fees. The subdivider shall pay the fees specified below at the time of formal submission of application.
 - (a) Preliminary Plat review: three-hundred dollars (\$300.00).
 - (b) Final Plat review: three-hundred dollars (\$300.00) plus an additional twenty dollars (\$20.00) per lot.
 - (c) Certified Survey Map (CSM) review: fifty dollars (\$50.00).
 - (d) Replat. three-hundred dollars (\$300.00) plus an additional twenty dollars (\$20.00) per lot.
- (2) Legal and engineering fees. The subdivider shall pay the Town at times specified by the Town, a fee equal to the actual cost to the Town of any engineering or legal work incurred by the Town in conjunction with the plat review. Engineering work shall include review of construction plans and specifications and inspections. Legal work may include the drafting of contracts between the town and the subdivider and a review of covenants, easements and documents.
- (3) Fees shall be set and amended from time to time by the Town Board.
- (4) A double fee will be charged for all after-the-fact applications to partially recover the cost of obtaining compliance.

B. Modifications and appeals.

- (1) Modifications. Where, because of unique topographic or other conditions of the land involved, or because of other conditions predating adoption of this chapter, or to achieve consistency with a city or village extraterritorial ordinance, it is inappropriate to apply literally the provisions of this chapter and where such literal applications would impose undue hardship, the Plan Commission may vary the requirements of this chapter. The Plan Commission may attach conditions to the granting of such modifications to assure that the purpose and intent of the chapter are observed and that compliance with state law is achieved.
- (2) Appeals. Any person aggrieved by a failure to approve any land division, may appeal therefrom to the courts as provided in the Wisconsin Statutes.

C. Replats, vacations or alterations in recorded plats.

- (1) Replats of all or part of a recorded land division shall occur pursuant to section 236.36 through 236.445 of the Wisconsin Statutes.

- (2) Upon submission to the town of a preliminary plat for an area for which a plat was vacated or altered by action pursuant to section 236.40 through 236.44, the Plan Commission shall hold a public hearing. While the proposed new plat is pending before the Plan Commission, notices of the hearing shall be mailed to the owners of all properties within the area of the subdivision and to all landowners within two hundred (200) feet of the proposed replat.

D. Enforcement.

- (1) Any division of land which results in a state subdivision, county subdivision, or minor subdivision as defined in this chapter, shall be surveyed, mapped or platted, and the map or plat shall be approved as provided herein, and the approved map or plat shall be recorded with the Sauk County Register of Deeds prior to conveying any lot, parcel or tract included within the proposed division, provided, however, that in the case of a subdivision which has been the subject of a preliminary plat approved by the Town, offers or contracts to convey parcels, lots, or tracts within the proposed land division may be entered into pending approval of the final plat if the contract or offer to convey stated on its face that it is contingent upon recording of the final plat and shall be void if such plat is not recorded within a specified time.
- (2) Lots may be further divided, providing they meet all land division standards of this and other applicable ordinances. It shall be unlawful for any person to build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes. Until the requirements of this chapter have fully been met no person, firm or corporation shall be issued a permit authorizing the building upon, or improvement on any land division, or replat within the scope of this chapter, and not of record as of the effective date of this ordinance.
- (3) The Town Board or designee may issue a compliance order, field directive, or and suspension order to termination order to assure compliance with the provisions of this chapter.
- (4) The Town Board may institute appropriate action or proceedings to enjoin violation of the ordinance or of state law pursuant to section 236.31 of the Wisconsin Statutes.
- (5) Penalties.
 - (a) A person, firm or corporation who fails to comply with this chapter shall be subject to the appropriate penalties as set forth in §236.30 through 236.335, Wis. Stats.
 - (b) Each day a violation exists or continues shall constitute a separate offense.

- (c) Assessor's plats made pursuant to section 70.27 of the Wisconsin Statutes may be ordered by the Town Board at the expense of the subdivider or the owners of record when a land division is created by successive divisions, not in compliance with this chapter.

Sec. 10.01.42 **Recording and Conveyance of Lots or Parcels Included Within Land Division Requiring Town Approval**

- A. Recording. Pursuant to section 236.45(2) of the Wisconsin Statutes, the Sauk County Register of Deeds is directed to accept for recording all plats and certified survey maps and accompanying documents which are required to be prepared and approved by the Town, and to keep and record same. No person shall attempt to record a plat or document purporting to create parcels of land for sale or development that is not in conformance with this chapter.
- B. Conveyance. Lands described in plats and maps recorded pursuant to sub. (1) may be described by reference to the recorded plat or map and recording document number for all purposes, including those of assessment, taxation, devise, descent and conveyance as defined in section 706.01(4), Wisconsin Statutes.

Sec. 10.01.43 **Abrogation and Greater Restrictions**

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern. In their interpretation and application, the provisions of this chapter shall be liberally construed in favor of the Town of La Valle, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Sec. 10.01.44 **Waiver of Liability**

- A. In carrying out any of the provisions of this chapter or in exercising any power or authority granted to them thereby, there shall be no personal liability upon the Town, its agents and employees. In such matters, it is understood that they act as agents and representatives of the Town.
- B. Since there can be considerable variation in the ability of soil to absorb sewage effluent on the individual lots approved pursuant to this code, attention is directed to the necessity of conducting individual lot soil tests by a certified soil tester as specified in Wis. Admin. Code COMM 83. There shall be no personal liability upon the Town, its agents and employees where, as the result of individual lot soil tests, a state approved private sewage system other than the type expected, must be used.

Sec. 10.01.45 **Development Agreement**

The subdivider shall install the improvements outlined in this Chapter, and any other reasonable improvements that may be deemed necessary by the Town due to unique circumstances associated with the proposed subdivision. All improvements shall be set forth in plans and specifications approved by the Town Board. Prior to recording a plat or certified survey that included requirements for construction of public improvements, the Subdivider shall enter into a legally binding Development Agreement with the Town, as approved by the Town Attorney, which sets forth the mutual obligations of the Town and the Subdivider with respect to the construction of the required improvements.

Sec. 10.01.46 **Financial Sureties**

Financial sureties shall be furnished to the Town of La Valle by the Subdivider to ensure performance of obligations and guarantees under the terms of this chapter shall only be in a form which the Town Board deems secure and may include certified checks, corporate bonds, escrow accounts, irrevocable letters of credit in a form approved by the Town Board, or performance bonds.

- A. Determination of Financial Surety Amount. The amount of financial surety shall be one hundred twenty-five (125) percent of the estimated full amount of the obligation being ensured (including the costs of inspection) as estimated by an Engineer or Other Agent appointed by the Town of La Valle, nor for less than a period than the work is scheduled to be completed, however, the Town Board shall allow reductions in the amount of the financial surety in proportion to the amounts of the obligations as they are fulfilled with respect to streets, drainage, grading, storm water and erosion.
- B. Disputes over the Amount of Financial Sureties. In any disputes over the amount of a surety, the estimate prepared by an engineer or other agent appointed by the Town of La Valle shall be conclusive.
- C. Criteria for Determining Subdivider's or Developer's Delinquency in Meeting Requirements. The Town Board shall give notice by registered mail to the Subdivider or Developer and the Subdivider's or Developer's surety, of such delinquency, said notice to specify the corrective measures required if the Subdivider or Developer:
 - (1) Fails to perform the work with sufficient workmen and equipment or with sufficient materials to ensure the completion of said work within the specified time; or
 - (2) Performs the work unsuitably, as determined by the Town Board; or
 - (3) Neglects or refuses to supply materials or to perform anew such work as shall be rejected as defective and unsuitable; or

- (4) Discontinues the execution of work; or
 - (5) For any other cause whatsoever does not carry on the work in an approved manner.
- D. Town Board Action. After said notice, the Town Board shall call upon the performance guarantee to have the work completed in accordance with the terms of the performance guarantee.

Sec. 10.01.47 Construction Phases and Time of Completion

All improvements shall be completed within eighteen (18) months from the date of recording of the subdivision. However, the subdivider and the Town may agree that the subdivider may install the improvements in construction phases, provided that: the phases are specified in the contract for subdivision improvement; the developer submits a surety in the amount of the estimate of the Town sufficient for the construction of all construction, or, the developer records deed restrictions approved by the Town which specify that the lots which are included in future construction phases of the subdivision will not be transferred or sold unless the Town's approval is obtained and the subdivider provides a surety equal to the estimate of cost prepared by the Town for the construction in progress; the subdivider minimize grading and other disturbance of land included in future construction phases in order to prevent erosion, and the erosion control plan submitted and approved addresses the individual phases of construction; and, the construction phases proposed by the subdivider reflect the needs of the Town and adjacent property owners for street and other improvements to serve lands adjacent to and within the subdivision.

Sec. 10.01.48 Guarantee of Work

Upon completion of the construction of major components of the work, i.e., public water distribution system, public sewerage system, public drainage system, public streets and walkways, street lighting, intersection area improvements, traffic signals, park improvements or buffer and planting strips, the subdivider shall request an inspection by the Town. Upon acceptance by the Town, submittal of the lien waivers, and affidavits regarding payment and compliance with the prevailing wage rate from all contractors, each major component of the work shall be submitted to the Town Board for acceptance. Upon acceptance, the Town Clerk is authorized to accept a reduction in the surety to an amount equal to the estimate of the Town of the cost of work remaining to be completed and accepted, and an amount to insure performance of any one-year guarantee against defects in workmanship and materials of the work component accepted not to exceed 15%. When work on major components of construction has been substantially completed except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the Town are valid for non-completion, the Town is authorized to accept the reduction in the amount of surety sufficient to cover the work remaining to be completed including the performance of a one year guarantee period against defects in workmanship and materials. Prior to authorizing said reduction, the Town may require the subdivider to submit a lien waiver from her or his contractors.

Sec. 10.01.49**Contractor Qualifications**

The contractor(s) employed by the subdivider to construct the public improvements may be required to be prequalified by the Town for the appropriate category of work. The contractor(s) shall maintain insurance as required by the Town. Contractors constructing public improvements to be dedicated to Town must adhere to prevailing wage requirements.

Sec. 10.01.50**Reimbursement to the Town for Costs Sustained**

The subdivider shall reimburse the Town for its actual cost of design, inspection, testing, construction, traffic signing and marking, and associated legal and real estate expenses for the required public improvements for the subdivision. The Town's expenses shall be determined as follows:

- A. The cost of Town employees' time engaged in the required public improvements based on the hourly rate paid to the employee multiplied by a factor of 2.25 representing the Town's approximate cost for statutory expense benefits, insurance, sick leave, holidays, vacation and similar benefits, overhead and supervision, said factor not to exceed 2.25.
- B. The cost of Town equipment employed.
- C. The cost of mileage reimbursed to Town employees which is attributed to the subdivision.
- D. The actual costs of Town materials incorporated into the work including transportation costs plus a restocking and/or handling fee not to exceed 20% of the cost of the materials.
- E. All attorney and engineering consultant fees associated with the subdivision at the invoiced amount.
- F. All plan review charges or other service expenses attributed to the subdivision that are imposed upon the Town by other regulatory entities or service providers at the invoiced amount.

The subdivider shall advance to the Town Treasurer an amount equal to an estimate of the Town's expenses, as prepared by the Town at the time the subdivider files a contract for subdivision improvements. At the conclusion of the project, the Town shall bill the actual cost to the subdivider. In the event that the actual cost is calculated to be less than the advanced amount, the difference shall be refunded to the subdivider. In the event the advance is less than the actual amount, the subdivider shall be billed the difference and payment shall be a condition precedent to acceptance of any major components of construction.

CHAPTER 10.02

LAND USE

Sec. 10.02.01	Sauk County Zoning Ordinance Adopted
Sec. 10.02.02	Town of LaValle Comprehensive Plan
Sec. 10.02.03	Accessory Buildings

Sec. 10.02.01 **Sauk County Zoning Ordinance Adopted**

The Town of LaValle adopts and approves the Sauk County Zoning Ordinance (Chapter 7 of the Sauk County Code of Ordinances) so that its provisions will apply to this township.

Sec. 10.02.02 **Town of LaValle Comprehensive Plan**

The Town of LaValle formally adopts the document entitled “Town of LaValle Comprehensive Plan” pursuant to [sec. 66.1001\(4\)\(c\)](#), Wis. Stats.

Sec. 10.02.03 **Accessory Buildings**

No accessory building shall be construed on any residential lot, part of a residential lot or residential property in the Town of LaValle prior to the construction of a dwelling house or main building suitable for human habitation and request that the Sauk County Planning and Zoning Authority enforce the Sauk County Comprehensive Zoning Ordinance to that effect, provided that this policy does not apply to agricultural property used, or intended for use, as agricultural property.

TITLE 11 LAKE REGULATIONS

Chapter 11.01	Lake Redstone and Water Traffic Regulations
Chapter 11.02	Dutch Hollow Lake and Water Traffic Regulations
Chapter 11.03	Lake Redstone Aircraft Landing Regulations
Chapter 11.04	Dutch Hollow Lake Aircraft Landing Regulations

CHAPTER 11.01 LAKE REDSTONE AND WATER TRAFFIC REGULATIONS

Sec. 11.01.01	Purpose
Sec. 11.01.02	Applicability and Enforcement
Sec. 11.01.03	State Boating and Safety Laws Adopted
Sec. 11.01.04	Definitions
Sec. 11.01.05	Boat Excluded Areas
Sec. 11.01.06	Controlled Areas
Sec. 11.01.07	Additional Water Traffic Rules
Sec. 11.01.08	Water Exhibition Regulations
Sec. 11.01.09	Penalties

Sec. 11.01.01 Purpose

The intent of this Chapter 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.

Sec. 11.01.02 Applicability and Enforcement

The provisions of this Chapter shall apply to the waters of Lake Redstone within the jurisdiction of the Town of LaValle. The provisions of this Chapter shall be enforced by the La Valle Police Department.

Sec. 11.01.03 State Boating and Safety Laws Adopted

Statutory provisions found in sec. 30.07, and secs. 30.50 to 30.71 inclusive, Wis. Stats., are hereby adopted by reference as a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this Chapter.

Sec. 11.01.04**Definitions**

Definitions in this Chapter:

- A. “Shore zone means all surface water within 200 feet of the shoreline.
- B. “Swimming zone means an authorized area of water established by regulatory markers to designate a swimming area.
- C. “Public access means any access to the water by means of public property.
- D. “Navigation lane means an area designated by authorized aids to navigation.
- E. “Slow-no-wake means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
- F. “No Ski means an area in which no person shall operate a water craft at a speed no greater than slow no wake while towing a water skier, aqua plane, knee board, inner tube or similar device from such water craft.

Sec. 11.01.05**Boat Excluded Areas**

- A. Public Swimming Area on Lake Redstone. When properly marked by buoys as described in this section, a public swimming area shall be created and exist in the Southwestern part of Lake Redstone, Town of LaValle, Sauk County, Wisconsin, adjacent to the beach area presently owned by Sauk County. The beach shoreline of the Sauk County Park on Lake Redstone is determined and described as follows:

Beginning at the Southwest corner of Outlot “A” on the East side of West Redstone Drive, Plat of Bluebird Addition to Lake Redstone; then South 62 degrees 00 minutes E along the South line of said Outlot “A”, 196.26 feet; then North 47 degrees 14 minutes E, 87.37 feet, then South 70 degrees 25 minutes E, 80 feet, more or less, to the water’s edge of Lake Redstone; (the beach shoreline) then Easterly along said water’s edge to the West line of Lot One (1), Plat of Lake Redstone.

The public swimming area shall be located Northerly of the Lake Redstone Dam. The public swimming area shall be a rectangular area two hundred (200’) feet long and parallel to the beach shoreline and eighty (80’) feet wide and perpendicular to the beach shoreline.

- B. Marking Swim Areas. The public swimming area shall be marked by five (5) swimming area buoys placed as follows: One (1) buoy at the Southeast corner and located eighty feet (80’) from the beach shoreline, one (1) buoy on the South line of the public swimming area and located forty feet (40’) from the

beach shoreline, one (1) buoy at the Northeast corner of the public swimming area located eighty feet (80') from the beach shoreline, one (1) buoy on the North public swimming area line and located forty feet (40') from the beach shoreline; and one (1) buoy located on the East line of the public swimming area eighty feet (80') from the beach shoreline and midway between the buoys located on the Southeast and Northeast corners of the public swimming area. Swim buoys shall be removed or covered with a cover which conforms to [sec. 30.74\(2\)](#) Wis. Stats., as from time to time amended, at those times public swimming is not permitted.

- C. Shoreline. The shoreline referred to in the above description is at normal water levels. The boundaries of the public swimming area and the location of the buoys marking those boundaries are illustrated on Exhibit "A" which is attached hereto and made a part of this Chapter.

Sec. 11.01.05 Controlled Areas

- A. Slow No-Wake Zones. Slow no-wake zones on Lake Redstone are established in the following areas and no-wake buoys shall be placed using the following GPS way-points:

- | | | |
|------|----------------------------|--------------------|
| (1) | 43°35'48.55"N 90°6'0.15"W | Oriole |
| (2) | 43°36'3.61"N 90°6'4.70"W | Mourning Dove |
| (3) | 43°36'32.25"N 90°5'57.54"W | Chickadee |
| (4) | 43°36'35.08"N 90°5'56.09"W | Chickadee |
| (5) | 43°37'9.94"N 90°5'23.26"W | Section 11 Narrows |
| (6) | 43°37'11.94"N 90°5'25.28"W | Section 11 Narrows |
| (7) | 43°37'17.31"N 90°5'24.54"W | Section 11 Narrows |
| (8) | 43°37'21.24"N 90°5'23.89"W | Section 11 Narrows |
| (9) | 43°37'24.45"N 90°5'18.34"W | Section 11 Narrows |
| (10) | 43°37'29.28"N 90°5'17.80"W | Section 11 Narrows |
| (11) | 43°37'48.60"N 90°5'40.70"W | Killdeer |
| (12) | 43°37'13.62"N 90°5'6.21"W | Whippoorwill |
| (13) | 43°37'16.73"N 90°5'1.28"W | Whippoorwill |
| (14) | 43°37'17.53"N 90°4'54.74"W | Whippoorwill |

- (15) 43°37'18.35"N 90°4'46.47"W Whippoorwill
- (16) 43°37'26.15"N 90°4'41.80"W Whippoorwill
- (17) 43°37'23.46"N 90°4'44.03"W Whippoorwill
- (18) 43°36'22.57"N 90°5'17.26"W Eagle
- (19) 43°35'23.70"N 90°5'42.39"W Bluebird
- (20) 43°35'22.04"N 90°5'39.43"W Bluebird
- (21) 43°35'22.86"N 90°5'33.50"W Bluebird
- (22) 43°35'24.94"N 90°5'27.56"W Bluebird
- (23) 43°35'26.54"N 90°5'23.66"W Bluebird
- (24) 43°35'23.03"N 90°5'20.07"W Bluebird
- (25) 43°35'22.44"N 90°5'4.52"W Fox Court
- (26) 43°35'15.69"N 90°5'18.45"W Public Beach
- (27) 43°35'14.16"N 90°5'18.16"W Public Beach

(Ordinance 2010-01 map incorporated by reference)

B. Emergency Slow-No Wake.

- (1) No person shall operate a boat or personal watercraft faster than "slow-no-wake" in the waters of Lake Redstone when the water level is sixteen inches (16") or more above the spillway height.
- (2) This emergency slow-no-wake restriction will be posted at all public access points when in effect, and shall be lifted when the water level is twelve inches (12") or less above the spillway height.

Sec. 11.01.07 Additional Water Traffic Rules

In addition to the traffic rules in [sec. 30.65](#), Wis. Stats., adopted by reference in this Chapter, the following rules shall apply to boats using the waters covered by this Chapter.

- A. Water skiing. No person shall operate a boat for the purpose of towing a water skier, aquaplane or similar device or engage in water skiing, aquaplaning or similar activity at any time from sunset to sunrise on Lake Redstone.

- A. No person shall conduct or participate in a water ski tournament, competition, exhibition or trial (hereinafter “water exhibition”), unless the water exhibition and its sponsor are duly licensed by the Town Board of the Town of LaValle to operate on the waters of Lake Redstone. The Town Board of the Town of LaValle may authorize such water exhibitions. No swimming shall be allowed in the water exhibition area.
- B. The use of a water exhibition restricted area is subject to the following additional requirements:
- (1) Lighting. A water exhibition area shall be sufficiently lighted by the licensee to permit the reasonably safe presentation of a water exhibition.
 - (2) Boats. No boat may remain unattended in a water exhibition area.
 - (3) Jumps. A water exhibition licensee shall maintain any and all water ski jumps authorized in the licensee’s license. The jumps shall be securely moored, and all jumps located beyond one hundred fifty feet (150’) from the shoreline shall be lighted from sunset to sunrise by a white light visible all around the horizon, and shall be authorized and maintained in accordance with the laws of the State of Wisconsin and the applicable regulations of the Wisconsin Department of Natural Resources.
 - (4) Sounds. A water exhibition shall be conducted so that the sound level of all activities is reasonable.
 - (5) Water Safety. A water exhibition licensee shall conduct all water exhibitions in a safe manner and shall coordinate with the LaValle Police Department or the water safety patrol or otherwise provide for sufficient law enforcement presents at all water exhibitions in order to obtain compliance with this Chapter and to promote the safety of the public.
- C. Licensing Authority The terms and conditions of a water exhibition license shall be established by the Town Board of the Town of LaValle. The Town Board shall consider the following factors when determining whether to license a water exhibition and its sponsor:
- (1) The character of the license applicant,
 - (2) The license applicant’s experience, financial responsibility and technical competence,

(3) The suitability of the proposed water exhibition for the water exhibition restricted area, and

(4) The general public health, safety and welfare.

The Town Board shall also seek to protect existing values of land, riparian rights, investment, and enterprise. In the event two or more license applicants shall apply for authority to use the same water exhibition area, the Town board shall during a public hearing, also consider the relative value to the community and public of the proposed uses.

D. Licensing Procedure. A license to use a water exhibition area after consideration of a license application submitted to it on forms provided by the clerk of the Town of LaValle. A license application shall require the applicant to provide the following information:

(1) The name, mailing address and telephone number of the license applicant; and if the applicant is a corporation, the state of its incorporation and the names and addresses of its officers.

(2) A description of water exhibition proposed, including the proposed dates and hours of licensed use, and the locations of water skiing jumps and pickup and drop off areas, if any, which shall be illustrated on a map attached to the application.

(3) A brief description of the license applicant's experience, financial responsibility and technical ability to present the proposed water exhibition.

The Town board may require additional information from any applicant, if it deems it necessary in order to exercise its judgment. All applications filed with the clerk of the Town of LaValle shall be considered at the next regular or special meeting of the Town Board, and shall be granted or denied by a majority vote of those present at the meeting. If there is more than one applicant, the judgment of the Town Board shall be final, since the license is a privilege. The applicant shall amend an application to conform to reasonable requests of the Town Board. Applications for renewal license shall be considered in the same manner as original applications. The Town board may provide for a public hearing for consideration of the grant of an original or renewal license, and shall do so upon the request of a license applicant. At a public license hearing, an applicant shall be permitted to present evidence in his own behalf and rebut evidence offered by others.

E. Insurance. Before any water exhibition license applicant shall be granted a license by the Town Board of the Town of LaValle, a copy of a liability insurance policy written by a company licensed to do business in Wisconsin, with minimum coverage of \$100,000.00 per person and \$500,000.00 per incident for bodily injury, and \$50,000.00 for property damage, or a policy

with an aggregate of \$500,000.00 coverage for bodily injury and property damage, shall be filed with the clerk of the Town of LaValle. The Town Board may require insurance in greater amounts if circumstances warrant.

- F. Water Show Licenses. A license to use a water exhibition area shall be in a written form prepared by the Clerk of the Town of LaValle in accordance with its direction. It shall state:

- (1) The duration of the license, which shall not exceed one (1) year,
- (2) The days and hours of licensed use, and
- (3) In general, the type of water exhibition authorized.

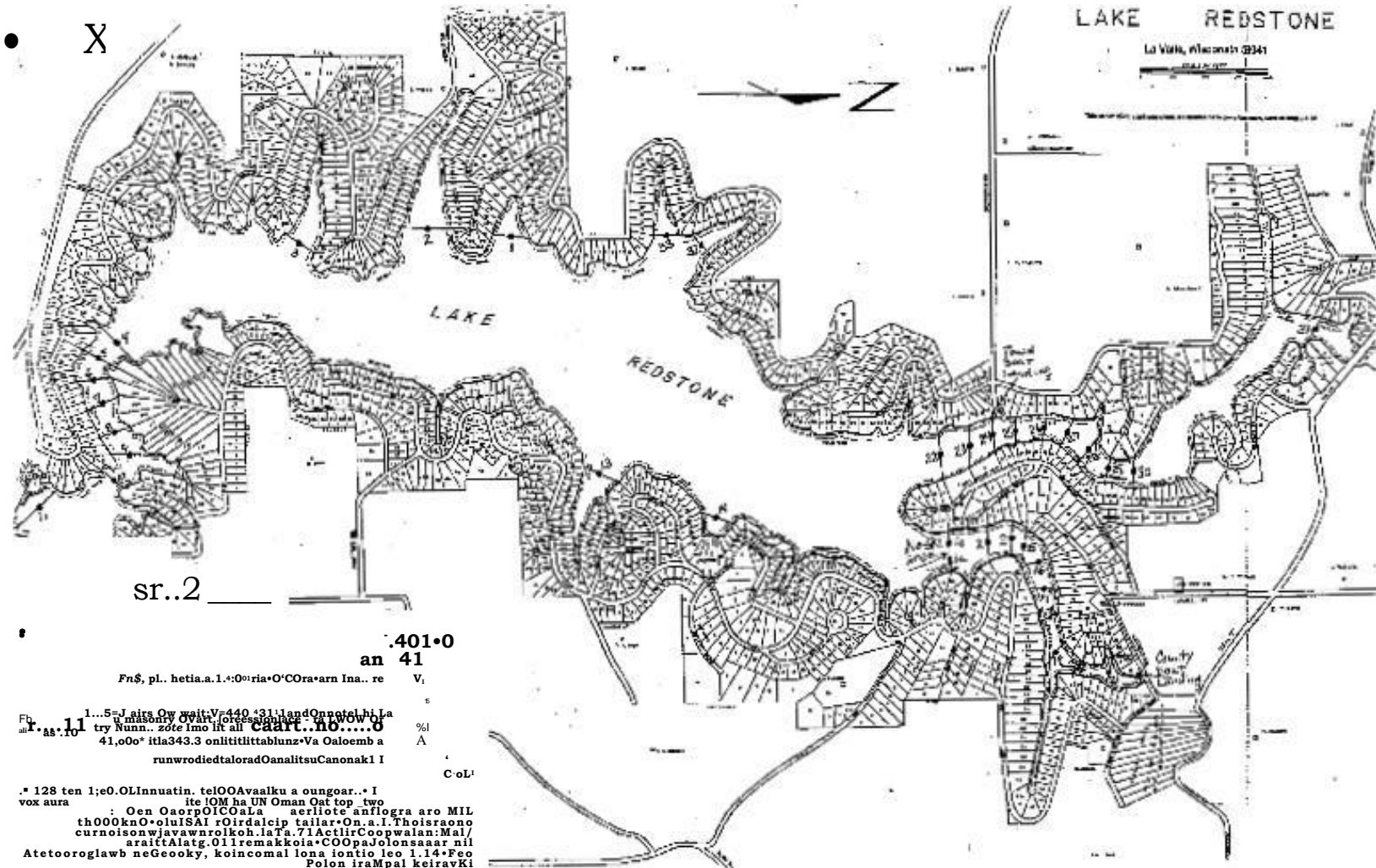
In addition, a license shall include a map, which shall describe the boundaries of the water exhibition area, the authorized location of waterway markers as provided in Wisconsin Administration Code Section NR 5.09, the location of water skiing jumps and pickup and drop off areas, if any, and the days and hours of authorized restricted use by the licensees.

- G. License Fees The Clerk of the Town of LaValle shall collect a license fee of Five Dollars (\$5.00) per exhibition upon issuance of a water exhibition license.

Sec. 11.01.09 Penalties

Wisconsin state boating penalties as set forth in sec. 30.80, Wis. Stats., and the LaValle Police Department Municipal Bond Schedule for Boating 2010 are herein adopted by reference. Any person violating any provision of this Section shall, upon conviction, be subject to the forfeiture as provided in the Bond Schedule except that the forfeiture imposed shall not exceed the maximum fine permitted under the statute.

TOWN OF LAVALLE



CHAPTER 11.02

DUTCH HOLLOW LAKE AND WATER TRAFFIC REGULATIONS

Sec. 11.02.01	Purpose
Sec. 11.02.02	Applicability and Enforcement
Sec. 11.02.03	State Boating and Safety Laws Adopted
Sec. 11.02.04	Definitions
Sec. 11.02.05	Boat Excluded Areas
Sec. 11.02.06	Controlled Areas
Sec. 11.02.07	Water Exhibitions
Sec. 11.02.08	Penalties

Sec. 11.02.01 Purpose

The intent of this Chapter 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.

Sec. 11.02.02 Applicability and Enforcement

The provisions of this Chapter shall apply to the waters of Dutch Hollow Lake within the jurisdiction of the Town of LaValle and Town of Woodland. The provisions of this Chapter shall be enforced by Township constable(s) and Sauk County Sheriff's Department. The Wisconsin Department of Natural Resources will also enforce Wisconsin Statutory provisions if/when they are present on the lake.

Sec. 11.02.03 State Boating and Safety Laws Adopted

Statutory provisions found in sec. 30.07, and secs. 30.50 to 30.71 inclusive, Wis. Stats., are hereby adopted by reference as a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this Chapter.

Sec. 11.02.04 Definitions

Definitions in this Chapter:

- A. "Shore zone means all surface water within 200 feet of the shoreline.

- B. “Swimming zone means an authorized area of water established by regulatory markers to designate a swimming area.
- C. “Public access means any access to the water by means of public property.
- D. “Navigation lane means an area designated by authorized aids to navigation.
- E. “Slow-no-wake means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

Sec. 11.02.05 **Boat Excluded Areas**

- A. Swim areas on Dutch Hollow Lake. One swim area shall exist at the Northwest shoreline of Dutch Hollow Lake adjacent to the beach on the Southeast shore of the Clubhouse Grounds of the Dutch Hollow Lake Property Owners Association. The swim area is marked with buoys 7, 6, 8, and 9 as shown on the attached map, and shall be placed using the following GPS location data:

Buoy	Latitude	Longitude
6	43°36'22.82"N	90°11'00.55"W
7	43°36'22.62"N	90°11'01.42"W
8	43°36'22.38"N	90°11'03.01"W
9	43°36'22.23"N	90°11'04.94"W

Sec. 11.02.06 **Controlled Areas**

- A. Slow No-Wake Zones. Eight Slow no-wake zones are hereby created on Dutch Hollow Lake described and shall be marked as follows with buoys numbered 1, 2, 3, 4, 5, 10, 11, and 12 as shown on the attached map and placed using the following GPS location data:

Buoy	Latitude	Longitude
1	43°35'42.12"N	90°11'22.66"W
2	43°36'12.67"N	90°11'04.12"W
3	43°36'17.63"N	90°10'52.33"W
4	43°36'12.45"N	90°11'52.35"W
5	43°36'22.21"N	90°10'47.69"W
10	43°36'18.44"N	90°11'55.10"W
11	43°36'15.56"N	90°11'57.10"W
12	43°36'01.86"N	90°11'39.95"W

- B. Hours of Operation. No person shall operate a boat faster than *a slow no-wake* during the hours from sunset to sunrise on Dutch Hollow Lake. No person shall operate a boat for the purpose of sport towing on Dutch Hollow Lake between the hours of 8 p.m. and 10 a.m.
- C. Emergency Slow-No Wake.
 - (1) No person shall operate a boat or personal watercraft faster than “slow-no-wake” in the waters of Dutch Hollow Lake when the water level exceeds an elevation of 957 feet above mean sea level as determined by the global water level logger installed at the Dutch Hollow Lake spillway.
 - (2) This emergency slow-no-wake restriction will be posted at all public access points when in effect and shall be lifted when lake elevation drops to 956.5 feet or below.

Sec. 11.02.07

Water Exhibitions

- A. Water Exhibition Regulations. No person shall conduct or participate in a water ski tournament, competition, exhibition or trial (hereinafter “water exhibition”), unless the water exhibition and its sponsor are duly licensed by the Town Board of the Town of La Valle and the Town Board of the Town of Woodland to operate on the waters of Dutch Hollow Lake. The Town board of the Town of La Valle and the Town Board of the Town of Woodland may authorize such water exhibitions. No swimming shall be allowed in the water exhibition area.
- B. Additional Water Exhibition Regulations. The use of the water exhibition restricted area is subject to the following additional requirements:
 - (1) Lighting. A water exhibition area shall be sufficiently lighted by the licensee to permit the reasonably safe presentation of a water exhibition.
 - (2) Boats. No boat may remain unattended in a water exhibition area.
 - (3) Jumps. A water exhibition licensee shall maintain any and all water ski jumps authorized in the licensee’s license. The jumps shall be securely moored, and all jumps located beyond one hundred fifty feet (150’) from the shoreline shall be lighted from sunset to sunrise by a white light visible all around the horizon, and shall be authorized and maintained in accordance with the laws of the State of Wisconsin and the applicable regulations of the Wisconsin Department of Natural Resources.

(4) Sounds. A water exhibition shall be conducted so that the sound level of all activities is reasonable.

(5) Water Safety. A water exhibition licensee shall conduct all water exhibitions in a safe manner and shall coordinate with the Town Constable or the water safety patrol or otherwise provide for sufficient law enforcement presents at all water exhibitions in order to obtain compliance with this Chapter and to promote the safety of the public.

C. Licensing Authority The terms and conditions of a water exhibition license shall be established by the Town Board of the Town of LaValle and the Town Board of the Town of Woodland. The Town Boards shall consider the following facts when determining whether to license a water exhibition and its sponsor:

- (1) The character of the license applicant,
- (2) The license applicant's experience, financial responsibility and technical competence,
- (3) The suitability of the proposed water exhibition for the water exhibition restricted area, and
- (4) The general public health, safety and welfare.

The Town Boards shall also seek to protect existing values of land, riparian rights, investment, and enterprise. In the event two or more license applicants shall apply for authority to use the same water exhibition area, the Town Boards shall during a public hearing, also consider the relative value to the community and public of the proposed uses.

D. Licensing Procedure. A license to use a water exhibition area after consideration of a license application submitted to it on forms provided by the clerk of the Town of LaValle and Clerk of the Town of Woodland. A license application shall require the applicant to provide the following information:

- (1) The name, mailing address and telephone number of the license applicant; and if the applicant is a corporation, the state of its incorporation and the names and addresses of its officers.
- (2) A description of the water exhibition proposed, including the proposed dates and hours of licensed use, and the locations of water skiing jumps and pickup and drop-off areas, if any, which shall be illustrated on a map attached to the application.
- (3) A brief description of the license applicant's experience, financial responsibility and technical ability to present the proposed water exhibition.

The Town Boards may require additional information from any applicant, if it deems it necessary in order to exercise its judgment. All applications filed with the clerk of the Town of LaValle and the Clerk of the Town of Woodland shall be considered at the next regular or special meeting of the Town Boards, and shall be granted or denied by a majority vote of those present at the meeting. If there is a more than one applicant, the judgment of the applicant shall amend an application to conform to reasonable requests of the Town Boards. Applications for renewal license shall be considered in the same manner as original applications. The Town Boards may provide for a public hearing for consideration of the grant of an original or renewal license, and shall do so upon the request of a license applicant. At a public license hearing, an applicant shall be permitted to present evidence in his own behalf and rebut evidence offered by others.

- E. Insurance. Before any water exhibition license applicant shall be granted a license by the Town Board of the Town of LaValle and the Town Board of the Town of Woodland, a copy of a liability insurance policy written by a company licensed to do business in Wisconsin, with minimum coverage of \$100,000.00 per person and property damage, or a policy with an aggregate of \$500,000.00 coverage for bodily injury and property damage, shall be filed with the clerk of the Town of LaValle and the clerk of the Town of Woodland. The Town Boards may require insurance in greater amounts if circumstances warrant.
- F. Water Show Licenses. A license to use a water exhibition area shall be in a written form prepared by the clerk of the Town of LaValle and the clerk of the Town of Woodland in accordance with its direction. It shall state:
- (1) The duration of the license, which shall not exceed one (1) year,
 - (2) The days and hours of licensed use, and
 - (3) In general, the type of water exhibition authorized.
- In addition, a license shall include a map, which shall describe the boundaries of the water exhibition area, the authorized location of waterway markers as provided in Section NR 5.09, Wis. Admin. Code, the location of water skiing jumps and pickup and drop-off areas, if any, and the days and hours of authorized restricted use by the licensees
- G. License Fees. The clerk of the Town of LaValle and the clerk of the Town of Woodland shall collect a license fee of \$10.00 per exhibition upon issuance of a water exhibition license and said license fee shall be divided equally between the Town of LaValle and the Town of Woodland.

Sec. 11.02.08

Penalties

- A. Wisconsin state boating penalties as set forth in sec. 30.80, Wis. Stats., and the LaValle Police Department Municipal Bond Schedule for Boating 2010 are herein adopted by reference. Any person violating any provision of this Section shall, upon conviction, be subject to the forfeiture as provided in the Bond Schedule except that the forfeiture imposed shall not exceed the maximum fine permitted under the statute.
- B. Any person violating any provision of this Chapter for which a forfeiture is not provided in this Chapter or on the aforementioned Bond Schedule shall forfeit Fifty Dollars (\$50.00) together with costs of prosecution and any applicable court costs and fees.

CHAPTER 11.03 LAKE REDSTONE AIRCRAFT LANDING REGULATIONS

Sec. 11.03.01	Aircraft Landing Prohibited
Sec. 11.03.02	Penalty

Sec. 11.03.01 Aircraft Landing Prohibited

- A. It shall be unlawful for any person to ascend or land with any aircraft, whether commercial or otherwise, including gliders, balloons, seaplanes and helicopters, upon the body of water in the Town of La Valle, Sauk County, Wisconsin, known as Lake Redstone. This proscription shall not apply to emergency landings, to military, to National Guard personnel, or to any medical helicopter.
- B. For the purposes of this Chapter, the term “commercial aircraft” shall include any aircraft carrying passengers for hire or operated in connection with any other business and carrying passengers primarily for amusement or recreational purposes.
- C. It shall be unlawful for any aircraft, whether “commercial” or otherwise, to make continuous landings and takeoffs, commonly known as “touch and goes” upon the body of water in the Town of LaValle, Sauk County, Wisconsin, known as Lake Redstone.

Sec. 11.03.02 Penalties

Any person violating the provisions of this Chapter shall be punished by a fine or forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of the action.

CHAPTER 11.04

DUTCH HOLLOW LAKE AIRCRAFT LANDING REGULATIONS

Sec. 11.04.01	Aircraft Landing Prohibited
Sec. 11.04.02	Penalties

Sec. 11.04.01 **Aircraft Landing Prohibited**

- A. It shall be unlawful for any person to ascend or land with any aircraft, whether commercial or private, including gliders, balloons, seaplanes and helicopters, upon the body of water in the Town of LaValle, Sauk County, Wisconsin, known as Dutch Hollow Lake. This prohibition shall not apply to emergency landings, military or National Guard personnel, or to any medical helicopter.
- B. For the purposes of this Chapter, the term “commercial aircraft” shall include any aircraft carrying passengers for hire or operated in connection with any other business and carrying passengers primarily for amusement or recreational purposes.
- C. It shall be unlawful for any aircraft, whether “commercial” or otherwise, to make continuous landings and takeoffs, commonly known as “touch and goes” upon the body of water in the Town of LaValle, Sauk County, Wisconsin, known as Dutch Hollow Lake.

Sec. 11.04.02 **Penalties**

Any person violating the provisions of this Chapter shall be punished by a fine or forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of the action.