## APPENDIX TO CHAPTER 1 – City’s Official Fee Schedule

### ADMINISTRATIVE FEES

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Fee Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessor: Residential property record card</td>
<td>$5.00 per card</td>
</tr>
<tr>
<td>Cable TV Franchise Fee</td>
<td>5% annual gross revenues</td>
</tr>
<tr>
<td>Copies</td>
<td>25¢ per page</td>
</tr>
<tr>
<td>Farmer’s Market: (Charged by BID Board)</td>
<td>$3.00 per day per stall</td>
</tr>
<tr>
<td>Special Meetings</td>
<td>$300 per meeting, Plan or Council</td>
</tr>
</tbody>
</table>

### BUILDING INSPECTION FEES

<table>
<thead>
<tr>
<th>Building Moving Permit:</th>
<th>Fee Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Early Start</td>
<td>$60.00</td>
</tr>
<tr>
<td>New Residential (mechanicals included)</td>
<td>$.185/sq. ft. (includes Garages, Decks, &amp; Basements) (minimum is $500.00)</td>
</tr>
<tr>
<td>Manufactured &amp; HUD Dwellings State Seal</td>
<td>$300 + $.185/sq. ft. for attached Garages and Decks</td>
</tr>
<tr>
<td>Residential Additions (mechanicals included)</td>
<td>$33.00</td>
</tr>
<tr>
<td>Residential Remodels &amp; Alterations (mechanicals included)</td>
<td>$.185/sq. ft. (minimum is $100.00)</td>
</tr>
<tr>
<td>Electrical Only</td>
<td>$60.00</td>
</tr>
<tr>
<td>Plumbing Only</td>
<td>$60.00</td>
</tr>
<tr>
<td>HVAC Only</td>
<td>$60.00</td>
</tr>
<tr>
<td>Driveways</td>
<td>$20.00</td>
</tr>
<tr>
<td>Pools</td>
<td>$60.00</td>
</tr>
<tr>
<td>Detached Garage with House Circuit</td>
<td>$75.00</td>
</tr>
<tr>
<td>Sheds, Decks, Fences, Signs</td>
<td>$60.00</td>
</tr>
</tbody>
</table>

### Roofs, Windows, and Siding based on the following calculations:

- Minimum fee is $30.00
- $6.00 per thousand or fraction thereof
- $4.00 per thousand or fraction thereof
- $3.00 per thousand or fraction thereof
- $2.00 per thousand or fraction thereof

<table>
<thead>
<tr>
<th>Erosion Control:</th>
<th>Fee Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>New 1- and 2-Family</td>
<td>$75.00</td>
</tr>
<tr>
<td>Residential Additions</td>
<td>$50.00</td>
</tr>
<tr>
<td>Commercial</td>
<td>$150.00 for 1st acre and $50/acre thereafter</td>
</tr>
<tr>
<td>Raze and Demolition</td>
<td>$30.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Preliminary Inspection for Relocation of Structure</th>
<th>Fee Details</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$200.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commercial Early Start</th>
<th>Fee Details</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$100.00</td>
</tr>
<tr>
<td>Commercial New Construction – New Buildings or Additions: Multi-Family (3 or more), Restaurants, Motels, Offices, CBRFs, Taverns, Mercantile, Assembly Halls, Manufacturing and Industrial, Schools, Hospitals, Institutional, Vehicle Repair, and Storage.</td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td></td>
</tr>
</tbody>
</table>
| Electrical | $.14 per sq. ft. (minimum fee is $75.00)  
| Plumbing | $.05 per sq. ft. for electrical  
| HVAC | $.05 per sq. ft. for plumbing  
| $0.05 per sq. ft. for HVAC |
| Commercial Construction – Remodel:  
| $0.08 per sq. ft. (minimum of $75.00) |
| Commercial Construction -- New Storage buildings or Shell buildings (mechanicals as needed)  
| $0.08 per sq. ft. (minimum of $75.00) |
| Commercial  
| Plumbing and HVAC | $60.00 minimum  
| Electrical | $100.00 minimum  
| Remodel (mechanicals as needed) | $0.09 per sq. ft. (minimum of $75.00)  
| Additional Per Diem Services such as:  
| CDBG Grant Administration, Housing Grant Administration, Building Code Review, Habitability Issues, Grant Applications, Litigation Related Consulting Services, Re-Inspection for Corrective Actions Ordered & Authorized Meetings.  
| $58.00 per hour |
| Miscellaneous Fees -  
| Plan exam under DCOM 50.21 | $50.00  
| Special inspection | $60.00  
| Satellite dish | $30.00 |
| Cell Towers  
| Lease Application Fee | $1,500.00 + 3% adjusted annually  
| Cell Tower Permit/Class I Collocation Fee | TBD  
| Class II Collocation Fee | TBD |
| Conditional Use Permit  
| $250.00 with a public hearing  
| $100.00 without a public hearing |
| Parks:  
| Impact Fee -  
| Per single family dwelling | $807.00  
| Per multi-family dwelling | $475.00  
| Fee in lieu of land dedication | $664.00 per dwelling, pre-platted 200/150/100 |
| Police:  
| Impact Fee - | $965.00 |
| Fire:  
| Impact Fee - | $870.00 |

Reso 11-134
Reso 11-134
Reso 11-134
Reso 11-134
Reso 11-134
Reso 04-180
Reso 04-180
Ord 2342 08/24/10
Ord 2342 08/24/10
§18.07(11)(b)
Ord 2342 08/24/10
Ord 2342 08/24/10
§17.82

Page 2 (Rev. 4/13/17)
### Planned Unit Development (PUD)

**Application Fee for commencement of a PUD**

$275.00  
**Reso 06-214**

### Sidewalk Encroachment Permit

$-0-

### Special Use Multi-Family Real Estate Development Permit

$250.00  
**§17.49**

### Stormwater Management Permit:

(land disturbance involved)

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$25.00</td>
<td><strong>§14.72</strong></td>
</tr>
<tr>
<td>Commercial &amp; small industrial</td>
<td>$50.00</td>
<td><strong>§14.72</strong></td>
</tr>
<tr>
<td>Large industrial</td>
<td>$150.00</td>
<td><strong>§14.72</strong></td>
</tr>
</tbody>
</table>

### Unspecified Zoning Action:

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>With legal publication</td>
<td>$250.00</td>
<td></td>
</tr>
<tr>
<td>Without legal publication</td>
<td>$50.00</td>
<td></td>
</tr>
</tbody>
</table>

### Vacate Street or Alley

$250.00  
**§17.61(f)**

### Variance, Zoning (See Zoning Appeal)

$250.00  
**§17.61(f)**

### Zoning:

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rezoning</td>
<td>$250.00</td>
<td><strong>§17.49</strong></td>
</tr>
<tr>
<td>Vacations, street or alley</td>
<td>$250.00</td>
<td></td>
</tr>
<tr>
<td>Conditional use</td>
<td>$250.00</td>
<td></td>
</tr>
<tr>
<td>Appeal</td>
<td>$250.00</td>
<td></td>
</tr>
<tr>
<td>Reconsideration of appeal decision</td>
<td>$250.00</td>
<td></td>
</tr>
</tbody>
</table>

### Sidewalk Encroachment

No Charge

### CLERK FEES:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annexations</td>
<td>$350.00</td>
<td><strong>Reso 07-172</strong></td>
</tr>
<tr>
<td>Animal Rescue Chicken</td>
<td>$125.00 original, $100.00 renewal</td>
<td><strong>12.13(12)(A)</strong></td>
</tr>
<tr>
<td></td>
<td>Initial fee is $25. Renewal is $10.</td>
<td><strong>Ord. 2312 7/28/09</strong></td>
</tr>
<tr>
<td>Cigarette License</td>
<td>$100.00</td>
<td><strong>§134.65 Wis. Stats.</strong></td>
</tr>
<tr>
<td>Election Results:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electronic media</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paper copies</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Prices are set by the State Elections Board.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Call or see the City Clerk for details.</td>
<td></td>
</tr>
<tr>
<td>Entertainment (See Special Events)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exhibition (See Special Events)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fireworks User Permit:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School Homecoming</td>
<td>$150.00</td>
<td><strong>§9.05</strong></td>
</tr>
<tr>
<td></td>
<td>$15.00</td>
<td><strong>Reso 98-188</strong></td>
</tr>
<tr>
<td>Garage and Rummage Sales</td>
<td>$25.00 per event (after 3 per year)</td>
<td><strong>§12.10</strong></td>
</tr>
<tr>
<td>Hunting Permit</td>
<td>No Fee</td>
<td><strong>Reso 08-184 03/10/09</strong></td>
</tr>
<tr>
<td>Liquor Licenses:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class “A” Fermented Malt Beverage</td>
<td>$250.00 per year</td>
<td><strong>§12.02</strong></td>
</tr>
<tr>
<td>Class “B” Fermented Malt Beverage</td>
<td>$100 per year or $50.00 for 6 months</td>
<td></td>
</tr>
<tr>
<td>Class “B” Fermented Malt Beverage Picnic Lic.</td>
<td>$10.00 per event</td>
<td></td>
</tr>
<tr>
<td>Wholesalers Fermented Malt Beverage</td>
<td>$25.00 per year</td>
<td></td>
</tr>
<tr>
<td>“Class A” Intoxicating Liquor</td>
<td>$500.00 per year</td>
<td></td>
</tr>
<tr>
<td>“Class B” Intoxicating Liquor</td>
<td>$500 per year or $50.00 if a bona fide club</td>
<td></td>
</tr>
<tr>
<td>Operator License – Regular</td>
<td>$87.00 for 2 years</td>
<td>Reso 11-88</td>
</tr>
</tbody>
</table>
Operator License – Provisional $10.00 for 60 days Reso 11-88
Operator License – Conditional $87.00 for one year
Provisional Retail License $15.00 for 60 days
Reserve “Class B” $10,000.00
Temporary Operator $5.00 for 14 days
Transfer to Another Premises $10.00 per transfer
Temporary “Class B” Wine $10.00 per event
Duplicate License $10.00
“Class C” Wine License $100.00 per year
Change of Agent $10.00

Manufactured Home Parks:
- Park permit application $750.00 §12.12
- Park license $5.00 per lot, but not less than $25 per park

Recycling and Base Metal Dealers License: $27.50 §12.09

Municipal Code:
- On diskette or CD –
  - One-time fee $100.00 Reso 00-64
  - Annual updates $25.00
  - An individual chapter $25.00
  - Paper copy 25¢ per page for first 25 pages, then 10¢ per page

Parade License: (See Special Events)

<table>
<thead>
<tr>
<th>License Type</th>
<th>Fee</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pawnbroker’s License</td>
<td>$210.00</td>
<td>§12.03 &amp; §134.71</td>
</tr>
<tr>
<td>Secondhand Article Dealer License</td>
<td>$27.50</td>
<td>§12.03</td>
</tr>
<tr>
<td>Secondhand Jewelry Dealer License</td>
<td>$30.00</td>
<td>§12.03</td>
</tr>
<tr>
<td>Secondhand Dealer: Mall or flea market license</td>
<td>$165.00</td>
<td>§12.03</td>
</tr>
<tr>
<td>Semi-Tractor Parking Permit</td>
<td>$25.00</td>
<td>§7.09(8)(b)</td>
</tr>
<tr>
<td>Special Events:</td>
<td></td>
<td>§12.05</td>
</tr>
<tr>
<td>Veterans Parade</td>
<td>FREE</td>
<td>Reso 05-88</td>
</tr>
<tr>
<td>Private property only</td>
<td>$35.00</td>
<td>Reso 05-88</td>
</tr>
<tr>
<td>Involves public right-of-way</td>
<td>$150.00</td>
<td>Reso 13-134</td>
</tr>
<tr>
<td>Late Night Mobile Food Vendor</td>
<td>$150.00</td>
<td></td>
</tr>
<tr>
<td>Tax Exempt Reports (bi-annual)</td>
<td>$10.00 per parcel</td>
<td>§70.337(5)</td>
</tr>
<tr>
<td>Taxi Cab</td>
<td>$10.00 per calendar year per cab</td>
<td>§12.11</td>
</tr>
<tr>
<td>Vicious Animal</td>
<td>$100.00 per year per animal</td>
<td>Reso 07-172</td>
</tr>
<tr>
<td>Weights and Measures License</td>
<td>$30.00 per year per establishment</td>
<td>§12.16</td>
</tr>
</tbody>
</table>

ENGINEERING FEES:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certified Survey Map</td>
<td>$50.00</td>
<td>§18.03</td>
</tr>
<tr>
<td>Includes ETZ</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driveway Permit</td>
<td>$20.00</td>
<td>§8.09</td>
</tr>
<tr>
<td>Engineering Services (Residential Subdivision):</td>
<td>Actual costs based on Developer’s Agreement</td>
<td>Ord. 2231 07-25-06</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>------------------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Direct engineering of project</td>
<td>Actual costs based on Developer’s Agreement</td>
<td>Ord. 2231 07-25-06</td>
</tr>
<tr>
<td>Indirect review of project</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Excavations in Right-of-Way (ROW)</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>In ROW in street (curb or asphalt areas)</td>
<td>$500.00</td>
<td>§8.03 &amp; Reso 05-118</td>
</tr>
<tr>
<td>Within other parts of an ROW (within Treebank - not including street)</td>
<td>$100.00</td>
<td></td>
</tr>
<tr>
<td>For sidewalk or driveway repairs</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>Fine (if work commences without a permit)</td>
<td>$100.00</td>
<td></td>
</tr>
</tbody>
</table>

| Extraterritorial Plat Review                     | $100.00                                  | Reso 11-134       |

<table>
<thead>
<tr>
<th>GIS Mapping:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Plotted Information</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black &amp; White</td>
<td>$ 1.00 per square foot</td>
<td>Reso 11-134</td>
</tr>
<tr>
<td>Color</td>
<td>$ 3.50 per square foot</td>
<td></td>
</tr>
<tr>
<td>Preprinted set of parcel information (57 pages) (Also sewer, water, storm sewer map set)</td>
<td>$10.00</td>
<td></td>
</tr>
</tbody>
</table>

| Electronic Data Information -                   |                                          |                   |
| * CAD data for parcels (whole city)            | $100.00                                  |                   |
| * Planimetric or contour data (per section)    | $25.00                                   |                   |
| * Orthophoto data per ¼ section                | $20.00                                   |                   |
| * GIS produced data (zoning, voter districts, parcels, city-wide) | $30.00                                  |                   |

| Labor for Custom Work (Billed in 15 minute increments, including equipment) | $50.00 per hour | Reso 11-134 |

| Media (Diskette, zip drive tape, 4mm tape, or CD) | $10.00 each |                   |

<table>
<thead>
<tr>
<th>Other Costs -</th>
<th>Actual cost</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land mailing</td>
<td>50¢</td>
<td></td>
</tr>
<tr>
<td>E-mail delivery</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Historical Preservation:                        | $300.00     | Reso 07-172       |

| Maps:                                           |             |                   |
| Street key                                      | $5.00       | Reso 11-134       |
| Zoning                                          | $25.00      |                   |

| Special Assessments:                            |             |                   |
| Sewer & water main extensions                   | 100% to benefiting properties for std size mains. | §8.08 |
| Streets, new                                    | 100% to benefiting properties.                  |       |
| Curb and gutter, new areas                      | 100% to abutting property.                      |       |
| Sidewalk, new areas                             | 100% to abutting property unless otherwise noted in the sidewalk assessment policy. |       |

| Right-of-Way Use Permit:                        |             |                   |
| Special use of a right-of-way -                 |             |                   |
| Approved by the Engineer                        | $50.00 (Fee doubled if commenced without permit.) | §7.19 & Reso 05-88 |
| Approved by Public Safety                       | $75.00 (Fee doubled if commenced without permit.) | §7.19 & Reso 05-88 |
### Subdivisions:

<table>
<thead>
<tr>
<th>Subdivision</th>
<th>Fee</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improvement review</td>
<td>$250.00 per plat</td>
<td></td>
</tr>
<tr>
<td>Preliminary plat review</td>
<td>$25.00 per lot</td>
<td></td>
</tr>
<tr>
<td>Final plat review</td>
<td>$10.00 per lot</td>
<td></td>
</tr>
<tr>
<td>Engineering inspection/legal/administrative review</td>
<td>Actual Cost</td>
<td></td>
</tr>
<tr>
<td>Outside consultant required for project</td>
<td>Actual Cost</td>
<td></td>
</tr>
</tbody>
</table>

### FIRE DEPARTMENT FEES:

#### Burning Permit (even numbered calendar days only):
- If other than even numbered calendar days or not within regulations: $25.00 (must also have OK of Fire Chief) $25.00
- $0- (if open burn regulations followed)

#### Hourly Equipment Rental Rates:

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engines</td>
<td>$200.00</td>
</tr>
<tr>
<td>Aerial apparatus</td>
<td>$300.00</td>
</tr>
<tr>
<td>Rescue</td>
<td>$150.00</td>
</tr>
<tr>
<td>Tankers</td>
<td>$100.00</td>
</tr>
<tr>
<td>Mini-pumper</td>
<td>$100.00</td>
</tr>
<tr>
<td>Brush Unit, Support &amp; Command Vehicles</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

#### Personnel Rates:

<table>
<thead>
<tr>
<th>Category</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Personnel Wages</td>
<td>$30.00</td>
</tr>
<tr>
<td>Personnel/Administrative</td>
<td>$20.00 part-time office assistant</td>
</tr>
</tbody>
</table>

#### Daily Equipment Rental:

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1, 1 1/2, or 1 3/4 inch hose</td>
<td>$25.00</td>
</tr>
<tr>
<td>2 1/2 or 3 inch hose</td>
<td>$50.00</td>
</tr>
<tr>
<td>5 inch hose</td>
<td>$75.00</td>
</tr>
</tbody>
</table>

#### Daily Equipment Rentals continued:

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydrant Wrench</td>
<td>$25.00</td>
</tr>
<tr>
<td>Gate Valve</td>
<td>$50.00</td>
</tr>
<tr>
<td>Gated Wye</td>
<td>$50.00</td>
</tr>
<tr>
<td>Reducer</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

#### Other Costs:

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extrication Equipment (All)</td>
<td>$50.00 per hour</td>
</tr>
<tr>
<td>Tools &amp; Other Equipment (Damaged Only)</td>
<td>Replacement Costs</td>
</tr>
<tr>
<td>Disposable Items (Oil Dry, Absorbent Pillows, Etc.)</td>
<td>Replacement Costs</td>
</tr>
<tr>
<td>Fire Extinguisher Training</td>
<td>$45.00 per hour</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>§5.19(4)</td>
<td></td>
</tr>
<tr>
<td>Reso 11-147</td>
<td></td>
</tr>
<tr>
<td>Reso 03-20</td>
<td></td>
</tr>
<tr>
<td>Fire extinguisher supplies Replacement Costs</td>
<td>Actual Costs</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td><strong>Mileage</strong></td>
<td>50¢ per mile per unit</td>
</tr>
<tr>
<td><strong>Fire Department Inspections:</strong></td>
<td></td>
</tr>
<tr>
<td>First inspection is free</td>
<td>§5.09(6)</td>
</tr>
<tr>
<td>Second &amp; each subsequent fire inspection where noncompliance occurs</td>
<td>$60.00 per inspection</td>
</tr>
<tr>
<td><strong>Security Alarm System:</strong></td>
<td></td>
</tr>
<tr>
<td>False alarms – PD response (3 in 12 mos)</td>
<td>Free</td>
</tr>
<tr>
<td>False alarms – FD response 1st time</td>
<td>Free</td>
</tr>
<tr>
<td>Subsequent false alarms per location:</td>
<td></td>
</tr>
<tr>
<td>By PD</td>
<td>$50.00</td>
</tr>
<tr>
<td>By FD</td>
<td>$300.00</td>
</tr>
<tr>
<td>Security system permit</td>
<td>$15.00 for life</td>
</tr>
</tbody>
</table>

### LIBRARY FEES

<table>
<thead>
<tr>
<th>Applies to all who are subdividing or platting land, where final plat or CSM is approved &amp; recorded after 9/13/05 for residential purposes &amp; to all who seek a building permit for new residential construction after 9/13/05</th>
<th>$415.00 for each residential dwelling unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>§18.07(17)</td>
<td></td>
</tr>
</tbody>
</table>

### PARKS AND RECREATION DEPARTMENT

<table>
<thead>
<tr>
<th>Shelter and Pavilion Rental Fees:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ochsner Park Main Shelter</td>
<td>$75.00/day</td>
</tr>
<tr>
<td>Langer, Steinhorst, Mary Rountree Evans Park, Pierce Shelters</td>
<td>$50.00/day</td>
</tr>
<tr>
<td>Ochsner Park 20’ x 40’, Ochsner Bandstand, Campbell, City View Shelters</td>
<td>$35.00/day</td>
</tr>
<tr>
<td>Pierce Park Community Pavilion (any day)</td>
<td>$200.00/day</td>
</tr>
<tr>
<td><strong>Civic Center Fees:</strong></td>
<td></td>
</tr>
<tr>
<td>Meeting Rooms (non-profit)</td>
<td>$10.00/hr. non-profit; $15.00/hr. profit</td>
</tr>
<tr>
<td>Long Term Leases (per square foot)</td>
<td>$7.48/sq. ft.</td>
</tr>
<tr>
<td>Gym (non-profit)</td>
<td>$15.00/hr. non-profit; $20.00/hr. profit</td>
</tr>
<tr>
<td>TV/VCR/Projector use</td>
<td>$5.00/hr.</td>
</tr>
<tr>
<td>Warming Kitchen (non-profit)</td>
<td>$5.00/hr. non-profit; $10.00/hr. profit</td>
</tr>
<tr>
<td>Weekend Bldg. Supervisor Fee</td>
<td>$15.00/hr. (2 hour minimum)</td>
</tr>
<tr>
<td><strong>Fitness Room Fees:</strong></td>
<td></td>
</tr>
<tr>
<td>Daily</td>
<td></td>
</tr>
<tr>
<td>Resident/Non-Resident</td>
<td>$4.00</td>
</tr>
<tr>
<td>Service</td>
<td>Description</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>One Month</strong></td>
<td></td>
</tr>
<tr>
<td>- Resident</td>
<td></td>
</tr>
<tr>
<td>- HS Students &amp; Seniors (over 60)</td>
<td></td>
</tr>
<tr>
<td><strong>Six Months</strong></td>
<td></td>
</tr>
<tr>
<td>- Resident</td>
<td></td>
</tr>
<tr>
<td>- HS students &amp; Seniors (over 60)</td>
<td></td>
</tr>
<tr>
<td><strong>Dog Park Fees:</strong></td>
<td></td>
</tr>
<tr>
<td>- Annual Pass</td>
<td></td>
</tr>
<tr>
<td>- Daily Pass</td>
<td></td>
</tr>
<tr>
<td><strong>Forestry Fees:</strong></td>
<td></td>
</tr>
<tr>
<td>- New tree planting on terrace</td>
<td></td>
</tr>
<tr>
<td>- Replacement tree planting on terrace</td>
<td></td>
</tr>
<tr>
<td>- Firewood permit</td>
<td></td>
</tr>
<tr>
<td>- Tree maintenance permit</td>
<td></td>
</tr>
<tr>
<td><strong>Animal Trapping Fee:</strong></td>
<td></td>
</tr>
<tr>
<td>This service is discontinued. Call Advanced Animal Control. A fee will be charged.</td>
<td></td>
</tr>
<tr>
<td><strong>Automated Pawn System</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Audio/Visuals:</strong></td>
<td></td>
</tr>
<tr>
<td>- Audio Tape copy</td>
<td></td>
</tr>
<tr>
<td>- Video Tape Copy</td>
<td></td>
</tr>
<tr>
<td>- Photographic Prints</td>
<td></td>
</tr>
<tr>
<td>- Photocopies</td>
<td></td>
</tr>
<tr>
<td>- DVD copies (photo, audio, video)</td>
<td></td>
</tr>
<tr>
<td>- Faxed or e-mailed reports</td>
<td></td>
</tr>
<tr>
<td>- Digital &amp; e-mailed reports</td>
<td></td>
</tr>
<tr>
<td><strong>Bicycle License</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Building Moving Permit:</strong></td>
<td></td>
</tr>
<tr>
<td>- Police escort service</td>
<td></td>
</tr>
<tr>
<td><strong>Parking Permit:</strong></td>
<td></td>
</tr>
<tr>
<td>(also see Police Special Chgs)</td>
<td></td>
</tr>
<tr>
<td>- (contractor permit)</td>
<td></td>
</tr>
<tr>
<td>- Downtown Merchant</td>
<td></td>
</tr>
<tr>
<td><strong>Parking Tickets:</strong></td>
<td></td>
</tr>
<tr>
<td>- Alternate side parking</td>
<td></td>
</tr>
<tr>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Violation</td>
<td>Fee</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Abandoned vehicle parking</td>
<td>$25.00 if paid within 10 days</td>
</tr>
<tr>
<td></td>
<td>$35.00 if paid after 10 days</td>
</tr>
<tr>
<td>Less than 8,000 gvw (all other violations)</td>
<td>$10.00 if paid within 10 days</td>
</tr>
<tr>
<td></td>
<td>$20.00 if paid after 10 days</td>
</tr>
<tr>
<td>Over 8,000 gvw</td>
<td>$25.00 if paid within 10 days</td>
</tr>
<tr>
<td></td>
<td>$35.00 if paid after 10 days</td>
</tr>
<tr>
<td>Fire zone, fire hydrant parking</td>
<td>$20.00 if paid within 10 days</td>
</tr>
<tr>
<td></td>
<td>$30.00 if paid after 10 days</td>
</tr>
<tr>
<td>Handicap parking zone violation</td>
<td>$150.00 if paid within 10 days</td>
</tr>
<tr>
<td>Limited time parking violation</td>
<td>$10.00 if paid within 10 days</td>
</tr>
<tr>
<td></td>
<td>$20.00 if paid after 10 days</td>
</tr>
<tr>
<td><strong>Police Special Charges &amp; Permits:</strong></td>
<td></td>
</tr>
<tr>
<td>Failure to lock doors (over 3 in 12 months)</td>
<td>$75.00</td>
</tr>
<tr>
<td>Special events coverage</td>
<td>Current wages and benefits</td>
</tr>
<tr>
<td>Vehicle I.D.</td>
<td>$5.00 per vehicle</td>
</tr>
<tr>
<td>Vehicle storage</td>
<td>$5.00 per day</td>
</tr>
<tr>
<td>Contractor parking permit</td>
<td>$10.00 per space per day</td>
</tr>
<tr>
<td>Fingerprinting for employment</td>
<td>$10.00/person</td>
</tr>
<tr>
<td><strong>Security Alarm System:</strong></td>
<td></td>
</tr>
<tr>
<td>False alarms – PD response (3 in 12 months)</td>
<td>Free</td>
</tr>
<tr>
<td>False alarms – FD response (1st time)</td>
<td>Free</td>
</tr>
<tr>
<td><strong>Police Department Fees continued:</strong></td>
<td></td>
</tr>
<tr>
<td>Subsequent false alarms per location:</td>
<td></td>
</tr>
<tr>
<td>By PD</td>
<td>$50.00</td>
</tr>
<tr>
<td>By FD</td>
<td>$300.00</td>
</tr>
<tr>
<td>Security system permit</td>
<td>$15.00 for life</td>
</tr>
<tr>
<td><strong>PUBLIC WORKS FEES</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Snow and Ice – Failure to remove:</strong></td>
<td></td>
</tr>
<tr>
<td>1st violation</td>
<td>$20.00</td>
</tr>
<tr>
<td>2nd violation - during same winter season</td>
<td>$40.00 + additional court &amp; jail assessments, automation fees, and other fees imposed by Wisconsin Statutes.</td>
</tr>
<tr>
<td><strong>Snow Removal</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cost + 10% after 30 days</td>
</tr>
<tr>
<td><strong>Weed Removal</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Actual cost + 10%</td>
</tr>
<tr>
<td><strong>TREASURER FEES</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Cat License:</strong></td>
<td></td>
</tr>
<tr>
<td>Unneutered or unspayed</td>
<td>$12.00 per year per animal</td>
</tr>
<tr>
<td>Spayed or neutered</td>
<td>$8.00 per year per animal</td>
</tr>
</tbody>
</table>
### Duplicate license
- Late fee
- Kennel (up to 12 animals)
- Kennel (over 12 animals)
- Cat at large &/or untagged (1st offense)
- Cat at large &/or untagged (subsequent offenses)
- Failure to vaccinate
- Refusal to quarantine

### Dog License:
- Unneutered or unsprayed
- Spayed or neutered
- Duplicate license
- Late fee
- Kennel (up to 12 animals)
- Kennel (over 12 animals)
- Dog at large &/or untagged (1st offense)
- Dog at large &/or untagged (subsequent offenses)
- Failure to vaccinate penalty
- Refusal to quarantine
- Service Dog

* These fees do not include possible additional court fines of not less than $100.00 nor more than $1,000.00 or imprisonment of not more than 60 days per Wis. Stats., 95.21(10)(6).

### Insufficient Fund Check NSF
- $25.00 per check

### Room Tax:
- Delinquent room tax returns
  - 6%
  - $10.00 per return + additional 10% of tax liability

### Special Assessment Letters for Transfer of Real Estate
- $20.00 per parcel

### Tax Amounts by Mortgage Companies
- $2.00 per parcel, $10.00 minimum

### UTILITIES FEES

#### Hydrant Charges:
- Service charge
- Bulk water used

#### Insufficient Funds Charge
- $25.00

#### Materials
- Cost plus 20%

#### Meter Charges:
- Meter repair
- Meter testing

PSC order 360-WQ-102
Dated 01/01/2017

PSC order 360-WR-102
Dated 03/20/2012

PSC 185.77
<table>
<thead>
<tr>
<th><strong>Reconnection Charges:</strong></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Reinstall meter</td>
<td>$40.00 during business hours, $60.00 after hours</td>
<td>PSC order 360-WR-102 dated 03/20/2012</td>
</tr>
<tr>
<td>Valve turned on at curb stop</td>
<td>$40.00 during business hours, $60.00 after hours</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Service Tap</strong></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Actual cost</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Sewer Connection Fee:</strong></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Reserve capacity fee</td>
<td>$450.00 per lateral unless a higher special assessment is charged</td>
<td>§13.25</td>
</tr>
<tr>
<td>Lateral</td>
<td>Full cost to owner</td>
<td>§13.31</td>
</tr>
<tr>
<td>Stormwater</td>
<td>$12.31 per ERU per quarter</td>
<td>Res. 2012-82</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Temporary Meter:</strong></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Service charge</td>
<td>$40.00</td>
<td>PSC order 360-WQ-102 dated 01/01/2017</td>
</tr>
<tr>
<td>Bulk water used</td>
<td>$1.68 per 1,000 gallons</td>
<td></td>
</tr>
</tbody>
</table>

| **Water Service Inspection:** |  |  |
| (includes cross connection) | $25.00 after 1st inspection | PSC order 360-WR-102 (Sch Cz-1) dated 03/20/12 |
| Lateral | Actual cost of installation | §13.17(7)/ §13.12 |

<table>
<thead>
<tr>
<th><strong>Well Permit</strong></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$25.00 for 5 years</td>
<td>PSC 09/17/98</td>
</tr>
</tbody>
</table>
APPENDIX TO CHAPTER I – Ethics Code

Mitigating Conflicting Interests: 
Private Interest vs. Public Responsibility

In a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government. Standards of conduct for public officials need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society and those conflicts which are substantial and material.* §19.59, Wisconsin Statutes, creates a code of ethics for local elected and appointed officials. Other laws, notably §946.13, Wisconsin Statutes, may also apply.

ACTING IN AN OFFICIAL CAPACITY

MAKING POLICY. When a local public official or a board, commission, or other body of which an official is a member is called upon to propose or to act on an ordinance or to promulgate or issue a general policy, the official may participate in that action, even though the action will affect the official, a member of the official's immediate family, or an organization with which the official is associated, as long as:

• The official's action affects a whole class of similarly-situated interests;
• Neither the official's interest, the interest of a member of the official's immediate family, nor the interest of a business or organization with which the official is associated is significant when compared to all affected interests in the class; AND
• The action's effect on the interests of the official, of a member of the official's immediate family, or of the related business or organization is neither significantly greater nor less than upon other members of the class.

APPLYING POLICY. A local public official should not, in an official capacity, participate in or perform any discretionary action with respect to the making, grant, or imposition of an award, sanction, permit, license, zoning change, contract, offer of employment, or agreement in which the official or a member of the official's immediate family or a business or organization with which the official is associated † has a substantial financial interest, direct or indirect.‡ In addition, a local public official should not, in an official capacity, participate in a matter affecting a business or organization from which the official or a member of the official’s immediate family receives substantial compensation or income.§

* See comparable statement concerning state government officials at §19.45(1), Wisconsin Statutes.
† "Associated", when used in connection with "business" or "organization" refers to a business or organization of which an individual or a member of the individual's household or immediate family is an officer, director, trustee, owner of a 10% or greater interest, or authorized representative. An individual is not associated with a business or organization merely because the individual is a member or employee.
‡ §19.59(1)(a) and (c), Wisconsin Statutes.
§ 1994 Wis Eth Bd 5.

This is a guide. For authoritative information consult Wisconsin Statutes.
Prepared by the Wisconsin Ethics Board, 44 E. Mifflin Street, Suite 601, Madison, WI 53703-2800. (608) 266-8123
http://ethics.state.wi.us

-1- 
Chapter I Appendix - City's Ethics Code 
Suppl #26 05-2008
HOW TO WITHDRAW FROM OFFICIAL ACTION

When a matter in which a public official should not participate comes before a board, commission, or other body of which the official is a member, the official should leave that portion of the body's meeting involving discussion, deliberations, or votes related to that matter and ask that the body's minutes reflect the absence. The body's remaining members may review the matter and take whatever action they find appropriate.

ACTING IN A PRIVATE CAPACITY

APPLICATIONS, BIDS, AND CONTRACTS. Usually, a local public official should not, in a private capacity, apply, negotiate, bid for, or receive any award, sanction, permit, license, zoning change, contract, offer of employment, or agreement in which the official has a private financial interest, direct or indirect, if the official is authorized to perform in regard to it any governmental function requiring the exercise of discretion, even if the official does not participate in the governmental action or exert any influence on his or her own behalf. **

REPRESENTING CLIENTS. A local public official should not, for compensation or on behalf of an employer, represent an individual, business, or organization before a board, commission, or other body of which an official is a member. The statutory code of ethics is not an obstacle to a local official's partner or business associate representing a client before such board, commission, or other body as long as the official is not financially interested in, and does not exercise control over, the representation. ††

** With limited exceptions, §946.13, Wisconsin Statutes, makes it a felony for a governmental official to negotiate or bid for or enter into a contract in which the official has a private pecuniary interest if at the same time the official is authorized to perform in regard to that contract some official function requiring the exercise of discretion. As long as private activity is not otherwise prohibited, departure from the usual rule may be justified in an occasional, sporadic, or infrequent case such as an official’s action in a private capacity to protect or preserve a private interest of the official or the official’s family.

†† §19.59(1)(b), Wisconsin Statutes, prohibits an official to accept anything of value that could reasonably be expected to influence official action or judgment. The disqualification from official action that would be required of a local government official who accepted pay for being an advocate before the very government body to which his or her office pertains is a clear, direct, and reasonably foreseen effect upon official action.
Attending Conferences, Seminars, and Receptions
when not a speaker or participant
A Guide to Wisconsin Law

This guideline provides general advice about a state government official's * attending a conference, seminar, or reception at which the official is not a featured speaker or participant in a formal program. The advice is applicable to events in the capital, elsewhere in Wisconsin, and beyond Wisconsin's borders. For situations in which the official is a featured speaker or program participant, see Ethics Board Guidelines 211 and 212.

**General rule.** Except in accordance with this guideline, a state public official should not accept admission to an event or transportation, lodging, food, meals, or beverage, offered in connection with an event that is furnished by a lobbyist or by an organization that employs a lobbyist or that is offered because the official holds a state public office.

**Attendance specifically authorized as on behalf and for the benefit of the state.** A state official attending a conference, seminar, or reception on behalf of the State of Wisconsin and primarily for the state’s benefit may accept transportation, lodging, food, meals, beverages, and the like that are provided, arranged, or sanctioned by the event’s organizer and authorized by the chief executive or governing body of the agency of which the official is a part as costs which would appropriately be paid by the state in furtherance of state business.† Unless attendance is authorized by the chief executive or governing body of the agency of which the official is a part, a state official attending a conference on state business should not accept food, drink, or entertainment offered at a privately hosted reception, hospitality suite, or the like that may be held in connection with or coincident with the conference but is not sanctioned by the event’s organizer.

**Attendance not specifically authorized by the state.**

**Event sponsored by an organization that employs a lobbyist.** A state official may attend a conference or seminar sponsored by an organization that employs a lobbyist only if it is primarily an educational or informational presentation related to the official’s duties (and may do so even at a reduced cost or at no cost) and may attend a banquet, reception, or the like only if it is intended for and conducive to the discussion of state governmental processes, proposals, or issues (but must pay for food, drink, and entertainment offered). [§13.625(6t)]

**Food and drink at events.** Regardless of an event's sponsor, the official should pay the greatest of:

- the price of admission, § food, and drink charged others;
- the sponsor's true per-person cost of admission § and entertainment plus food and drink provided the official; or
- the true value of admission § and entertainment, plus food and drink provided the official.

* This guide applies to elected state officials and to others holding a state public office identified under §20.923, Wisconsin Statutes, who have rule-making responsibilities. See §§13.62(3) and 19.42(13), Wisconsin Statutes. Other state officials and employees may also be subject to some of the restrictions.
† Ordinarily, an official may establish that the costs of attending a conference, seminar, or reception are appropriately paid by the state and the official's attendance is primarily for the state's benefit by obtaining the written authorization of:
- in the case of a representative, the Speaker of the Assembly;
- in the case of a senator, the Senate Committee on Organization; and
- in other cases, the head of the state agency, department, or governing body to which the official's office pertains. [§19.56(3)(c)].


http://ethics.state.wi.us

-3-

Chapter 1 Appendix - City's Ethics Code

Suppl #26 05-2008
OTHER CIRCUMSTANCES: An official may receive and retain:

a. Items and services offered for a reason unrelated to the official's holding a government office and not offered by a lobbyist or by an organization that employs a lobbyist. Transportation, lodging, food, meals, or beverages, or reimbursement therefore; payment or reimbursement of costs; or free admission or discount that the official can show by clear and convincing evidence were offered for a reason unrelated to the official's holding a government office and were not furnished by a lobbyist or an organization that employs a lobbyist. [§19.56(3)(b)]

b. Items and services made available to the general public. Admission, transportation, lodging, food, meals, or beverages when each of the following applies:
   1. The admission, items, or services are available to anyone who wants them;
   2. The official is not given a preference or advantage in obtaining admission, items, or service; and
   3. There is no offer or notice of the event, item, or service directed to an official that would confer an advantage to the official. [§13.625(2)]

c. Items and services from the State of Wisconsin. Transportation, lodging, food, meals, or beverages, or reimbursement therefore, or payment or reimbursement of costs received from the State of Wisconsin and primarily for the benefit of the state and not primarily for the private benefit of the official or any other person. [§19.56(3)(c)]

d. Items and services provided by a campaign committee. Transportation, lodging, food, meals, or beverages, or reimbursement therefore, or payment or reimbursement of costs permitted and reported in accordance with Wisconsin's campaign finance laws (Chapter 11, Wisconsin Statutes). [§19.56(3)(d)]

e. Items and services received from the Department of Tourism. Anything of value that the Department of Tourism provides for the purpose of hosting individuals to promote tourism. [§19.56(3)(em) and (f)]

f. Items and services received from the Department of Commerce. Anything of value that the Department of Commerce provides for the purpose of:
   1. The Department's sponsorship of a trip to a foreign country primarily to promote trade between that country and this state that the Department can demonstrate by clear and convincing evidence is primarily for the benefit of the state, or
   2. Hosting of individuals in order to promote business, economic development, tourism, or conferences sponsored by multistate, national, or international associations of governments or governmental officials. [§19.56(3)(e) and (f)]

§ If offered, an official may accept reduced-cost or free admission to that portion of an event that is an educational or informational seminar or talk.
Officials' receipt of food, drink, favors, services, etc.

ITEMS SPECIFICALLY AUTHORIZED

Wisconsin law forbids a public official to use free or discounted transportation, traveling accommodation, or communication services for which the supplier would usually charge [§946.11, Wisconsin Statutes; Art. 13, §11, Wisconsin Constitution], otherwise—

Consistent with the statutes administered by the Ethics Board, an elected state official or legislative employee may accept and retain:

a. ITEMS AND SERVICES UNRELATED TO PUBLIC POSITION AND NOT PROVIDED BY A LOBBYIST OR LOBBYING ORGANIZATION. Food, drink, transportation, lodging, items, and services furnished by neither a lobbyist nor an organization that employs a lobbyist and which the recipient can clearly demonstrate are received for a reason unrelated to the recipient's holding or having held any public position [§§19.45(3m) and 19.56(3)(b), Wisconsin Statutes] and which could not reasonably be expected to influence an official's vote, official actions or judgment, nor reasonably be considered a reward for any official action or inaction;

b. EXPENSES FOR TALKS AND PROGRAMS. Payment or reimbursement by a meeting's sponsor of expenses an official or employee incurs for presenting a talk or program about state issues (including meal and travel costs) [§19.56(3)(a)];

c. EXPENSES PROVIDED BY OR TO THE STATE. Food, drink, transportation, lodging, or payment or reimbursement of costs that the official can clearly and convincingly demonstrate are provided by or for the state and for the state's benefit, not for a private benefit * [§19.56(3)(c)];

d. INFORMATION. Informational materials of unexceptional value [§§13.625(6t) and 19.45(2)]; and

e. SERVICES, ITEMS, AND REIMBURSEMENTS FROM CAMPAIGN COMMIT-TEES. Services, items, and reimbursements from campaign committees ** as permitted and reported under campaign finance laws [§19.56(3)(d)].

* Normally, in the case of a legislator, the certification of the committee on organization or the presiding officer of the appropriate house of the legislature that the cost or item or service would otherwise be paid by the state of Wisconsin is all that is needed to meet the statute's requirement that a reimbursement or item or service be provided for the benefit of the state, not for a private benefit.

** Except a lobbyist's personal campaign committee.


Eth 211
Chapter I Appendix - City's Ethics Code
Suppl #26 05-2008
For legislators, legislative employees, and executive branch officers
Elected in statewide elections

Restraints on officials’ receipt of food, drink, favors, services, etc.
STATUTORY RESTRAINTS

Except as noted on the other side of the page, an elected state official or legislative employee should not accept:

1. **ITEMS OR SERVICES OFFERED BECAUSE OF STATE POSITION.** Any item or service of more than nominal value offered because of the person's holding a state public office [§19.45(2), Wisconsin Statutes];

2. **FOOD, DRINK, OR TRAVEL OFFERED FOR A REASON RELATED TO HOLDING ANY PUBLIC POSITION.** Food, drink, transportation, or lodging except when offered for a reason unrelated to the recipient's holding or having held any public position and the recipient can demonstrate that clearly and convincingly [§§19.45(3m) and 19.56(3)(b)];

3. **ITEMS OR SERVICES FROM LOBBYISTS.** Food, drink, transportation, lodging, employment, or any other thing of pecuniary value from a lobbyist †, either directly or through an agent [§13.625(1)-(3)];

4. **ITEMS OR SERVICES FROM ORGANIZATIONS THAT EMPLOY LOBBYISTS.** Food, drink, transportation, lodging, employment, or any other thing of pecuniary value from an organization that employs a lobbyist unless also made available to the general public on like terms and conditions ‡ [§ 13.625(2)]; and

5. **TRANSPORTATION, TRAVELING ACCOMMODATIONS, OR COMMUNICATION SERVICES.** Transportation or traveling accommodation for which the supplier would usually charge [§946.11; Art. 13, §11, Const.].

† Unless the lobbyist and recipient are married to each other, are engaged to be married, reside in the same household, or are close relatives. [§13.625(6)]
‡ In the case of an individual subject to the lobbying law, who also serves in an elected position in a local government that employs a lobbyist, the local government may furnish the individual anything it normally furnishes to other similarly situated elected officials. [§13.625(6g)(a)] If an individual is appointed to a local government position compatible with the state position, the local government may furnish the individual a per diem or reimbursement of expenses up to the amount furnished to other similarly situated elected officials. [§13.625(6g)(b)]

Clerical employees are unaffected by the restraints of paragraphs 1 and 2.


Eth 211

Chapter I Appendix -City’s Ethics Code  Suppl #26 05-2008
CHAPTER 1
GENERAL GOVERNMENT

SUBCHAPTER I:
FORM OF GOVERNMENT AND CITY OFFICIALS
1.01 Form of Government
1.02 Elected Officials
1.03 Appointed Officials
1.04 General Provisions Relating to City Officials
1.05 City Assessor to be Independent Contractor
1.06 Reserved
1.07 Reserved
1.08 Reserved
1.09 Qualifications and Duties
1.10 Office of City Administrator
1.11 to 1.15 (Reserved)

SUBCHAPTER II:
BOARDS AND COMMISSIONS
1.16 Plan Commission
1.17 Board of Zoning Appeals
1.18 Board of Review
1.19 Police and Fire Commission
1.20 Parks and Recreation Commission
1.21 Library Board
1.22 Reserved
1.23 Administrative Review Appeals Board
1.24 Board of Public Works
1.25 Baraboo Utility Commission
   (Body was dissolved, duties given to the Public Safety Committee)
1.26 Reserved
1.27 Baraboo Economic Development Commission
1.28 Community Development Authority
1.29 Reserved
1.30 Baraboo District Ambulance Commission
1.31 U.W.-Baraboo/Sauk County Campus Commission
1.32 Baraboo-Wisconsin Dells Airport Commission
1.33 Emergency Management
1.34 Transportation Commission
1.35 Expense Allowance for Boards and Commissions
1.36 Procedure for Compliance with Open Meeting Laws
1.37 Baraboo Cable Communications Commission
1.38 to 1.43 (Reserved)

SUBCHAPTER III:
ELECTIONS AND POLITICAL BOUNDARIES
1.44 City Clerk's Election Duties
1.45 Election Officials
1.46 Nomination of Elected City Officers
1.47 Polling Hours
1.48 Polling Places
1.49 City Boundaries and Annexations
1.50 Ward Boundaries
1.51 Aldermanic Districts
1.52 County Supervisory Districts
1.53 Election Maps on File
1.54 to 1.58 (Reserved)

SUBCHAPTER IV:
PUBLIC RECORDS
1.59 Public Records, Access to
1.60 Public Records Retention Ordinance
1.61 to 1.69 (Reserved)

SUBCHAPTER V:
CODE OF ETHICS
1.70 Declaration of Policy
1.71 Purpose
1.72 Responsibility of Public Office
1.73 Coverage
1.74 Exemptions
1.75 Definitions
1.76 Fair and Equal Treatment
1.77 Conflicts of Interest
1.78 Financial Interest in Legislation
1.79 Disclosure of Privileged Information
1.80 Gifts and Favors
1.81 Anti-Nepotism
1.82 State Statutes Incorporated
1.83 Investigations and Enforcement
1.84 Ethics Board (See Appendix following Chapter I for actual Code)
1.85 Severability
1.86 Code of Conduct for Elected and Appointed Officials (08/11/2009)
1.87 thru 1.89 Reserved

SUBCHAPTER VI:
OFFICIAL FEE SCHEDULE (2040 12/19/2000)
1.90 Official City of Baraboo Fee Schedule (See Appendix following Chapter I for actual Code)

Appendix – Ethics Code
Appendix – Official Fee Schedule
1.01 FORM OF GOVERNMENT. The City of Baraboo operates under the Mayor-Council system of government.

1.02 ELECTED OFFICIALS.

(1) MAYOR. The Mayor shall be elected for a term of 3 years. (Charter Ordinance 2350 11/23/2010)

(2) ALDERPERSONS. The Council shall consist of nine Alderpersons elected for three-year terms. Alderpersons for Aldermanic Districts 1, 4, and 7 shall be elected at one election; Alderpersons for Aldermanic Districts 2, 5, and 8 at the next election; and Alderpersons for Aldermanic Districts 3, 6, and 9 at the next election. Such alternating of elections shall be continuous.

(3) RESERVED.

(4) RESERVED. (2273 01/22/08)

(5) POLICE AND FIRE COMMISSIONERS. There shall be five Police and Fire Commissioners; one elected each year for a term of five years. (Note: See 2l OAG 350, dated April 1, 1932 and §62.09(3) (b)4, 1931 Wis. Stats.)

1.03 APPOINTED OFFICIALS.

<table>
<thead>
<tr>
<th>OFFICIAL</th>
<th>APPOINTING BODY</th>
<th>TERM</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Attorney (Ch. Ord. #1323)</td>
<td>Council</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Chief of Police</td>
<td>Police and Fire Commission</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Fire Chief</td>
<td>Police and Fire Commission</td>
<td>Indefinite</td>
</tr>
<tr>
<td>City Clerk (Ch Ord #1813)</td>
<td>Council</td>
<td>Indefinite</td>
</tr>
<tr>
<td>City Engineer/Planner (2033 11/14/2000, 2008 09/25/2001)</td>
<td>Council</td>
<td>See §1.09(5)</td>
</tr>
<tr>
<td>Building Inspector</td>
<td>Council</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Plumbing Inspector (2165 10/12/2004)</td>
<td>Council</td>
<td>By Contract</td>
</tr>
<tr>
<td>Electrical Inspector</td>
<td>Council</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Librarian</td>
<td>Library Board</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Parks and Recreation Director</td>
<td>Council, upon the recommendation of the Parks and Recreation Board</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Street Superintendent (2033 11/14/2000)</td>
<td>Council, upon recommendation of Public Works Committee</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Utility Superintendent (2033 11/14/2000)</td>
<td>Council, upon recommendation of Public Works Committee</td>
<td>Indefinite</td>
</tr>
<tr>
<td>City Forester</td>
<td>Parks and Recreation Board</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Community Development Dir.</td>
<td>Council, upon the recommendation of the Community Development Authority</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Reserved</td>
<td>-----</td>
<td>----</td>
</tr>
<tr>
<td>Civic Center Director</td>
<td>Council</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Emergency Management Dir. (01/31/06)</td>
<td>Mayor, confirmation by Council</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Weed Commissioner</td>
<td>Mayor</td>
<td>One year</td>
</tr>
<tr>
<td>City Administrator (1723 03/15/94)</td>
<td>Council</td>
<td>Indefinite</td>
</tr>
<tr>
<td>City Treasurer (2273 01/22/08)</td>
<td>Mayor, approval by Council</td>
<td>Indefinite</td>
</tr>
</tbody>
</table>
1.04 GENERAL PROVISIONS RELATING TO CITY OFFICIALS.

(1) SALARIES AND FRINGE BENEFITS. The salaries and fringe benefits of City officers and employees shall from time to time be established by the Council in accordance with State law and the City Personnel Policy.

(2) POWERS AND DUTIES OF CITY OFFICIALS. City officials mandated under §62.09, Wis. Stats., shall have the powers and duties prescribed by law and, except for the Mayor, shall perform such duties as shall be required of them by the Council. Other City officials shall perform the duties prescribed by the Council.

(3) MULTI-OFFICES. The Council may elect to appoint the same person to 2 or more compatible offices.

(4) REMOVAL FROM OFFICE. All City officials appointed pursuant to §1.03 of the Code may be removed from office for cause by a majority of all the members of the appointing body. A City official employed by the City pursuant to a written employment contract may be removed from office in accordance with the terms of the contract. The City Assessor may be removed from office as provided in §1.05 of the Code. (Charter Ord. 1732 Eff. 07/16/94)

1.05 CITY ASSESSOR TO BE INDEPENDENT CONTRACTOR.

(1) APPOINTMENT. Pursuant to §62.09 (1)(c), Wis. Stats., a corporation or independent contractor shall be appointed by the Common Council as the City Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment, and the designee shall file the official oath under §19.01, Wis. Stats., and sign the affidavit of the assessor attached to the assessment role under §70.49, Wis. Stats.

The contract shall be for a one-year term and shall provide that the contract may be renewed or terminated, without cause, at the pleasure of the Common Council.

(2) REMOVAL FROM OFFICE. If a corporation or independent contractor is appointed as the City Assessor the appointment shall be for a term of one year and the appointment may be renewed or terminated at pleasure at any time by a majority of all the members-elect of the Common Council. (Charter Ord. 1732 Eff. 07/16/94)

1.06-1.08 RESERVED

1.09.1 QUALIFICATIONS AND DUTIES.

(1) CITY CLERK. The City Clerk shall perform the duties prescribed by law for City Clerks and such other duties required by the Council. (2162 09/28/04)

(2) CITY TREASURER. The City Treasurer shall perform the duties prescribed by law for city treasurers, shall be ex officio Treasurer of the Water Utility, and shall perform such other duties required by the Council.

(3) CITY ATTORNEY. The City Attorney shall be duly admitted to practice in the courts of record in the State of Wisconsin, shall conduct all the legal business in which the City is interested, and shall perform all duties required by city attorneys by State law.

(4) CITY ASSESSOR. The City Assessor shall be certified by the Wisconsin Department of Revenue at the level required by law and shall be experienced and capable of performing the duties of the office.

(5) CITY ENGINEER/PLANNER. The City Engineer shall be licensed by the State of Wisconsin as a professional Engineer and shall be capable and experienced in municipal public work and capital improvement planning and development. The Common Council shall be authorized to contract for the services of a City Engineer with an outside engineering firm and the contract shall designate the person who shall be the designated City Engineer who shall be the person primarily responsible for performing City Engineer services for the City. The contract shall be for a specified term and shall provide that the contract may be renewed or terminated, without cause at the pleasure of the Common Council. The City Engineer may appoint one or more assistant City Engineers within the firm under contract with the City who shall have power to perform the City Engineer’s duties and for whose acts the City Engineer shall be responsible to the City. (2033 11/14/2000, 2068 09/25/2001)

(6) CITY ADMINISTRATOR. The City Administrator shall be appointed on merit, based on appropriate education and experience in municipal administration, and shall be responsible for the administration of the ordinances and policies set forth by the Common Council. (1724 03/15/94)

1.10 OFFICE OF CITY ADMINISTRATOR. (1725 03/15/94, 1821 07/11/95)

(1) PURPOSE, POWERS AND DUTIES OF CITY ADMINISTRATOR. The City of Baraboo operates under a Mayor-Council form of government. Corporate authority to operate the City is vested in the Common Council and the Mayor, who is the Chief Executive Officer of the City. The Council, through its committees, is responsible for the management and control of the City to the fullest extent authorized by the Wisconsin Constitution and Wisconsin Statutes. In addition, the authority, jurisdiction and responsibilities vested by the Wisconsin Statutes and the Municipal Code of Ordinances in the Police and Fire Commission, Library Board, Community Development Authority, and certain City officers to administer and manage their respective departments or offices is recognized as an integral part of the overall administrative operation of City government. In recent years, the administrative management and control of City operations have become increasingly complex and it has become more and more difficult for a part-time Council and a part-time Mayor to administer and coordinate the day to day operations and activities of the City. Therefore, in order to provide a more
efficient, effective and responsible City government, there is hereby created the office of City Administrator. The Administrator shall at all times be responsible to and work under the direction, control and command of the Council, and its committees, and the Mayor. The Administrator shall cooperate with and assist as necessary the Police and Fire Commission, Library Board, and Community Development Authority in those areas where these Boards and Commissions are vested with authority by the Wisconsin Statutes or the Municipal Code of Ordinances and the Administrator shall work closely with and through these Boards and Commissions in the administration of their respective departments. The Administrator shall further cooperate with and assist those City officers vested with authority by the Wisconsin Statutes and the Municipal Code of Ordinances to administer and manage their departments and/or offices. The Administrator shall have no direct or indirect authority to administer or manage activities over which authority is vested by the Wisconsin Statutes or by the Municipal Code or by a directive or resolution of the Council in a specific Board or Commission or in a City officer. Nothing in this Ordinance shall be interpreted to in any limit or reduce the authority of the Council, and its Committees, and the Mayor to administer, manage and control the operations of the City. The Administrator shall only have such powers as are expressly granted to him/her pursuant to the City Ordinances, resolutions and directives of the Common Council and Mayor. Subject to the foregoing and without limiting the authority and control of the Common Council, its committees, and the Mayor and except where authority is vested by the Wisconsin Statutes or Municipal Code of Ordinances in Boards, Commissions or City officers, the City Administrator shall be the chief administrative officer of the City with the following powers and duties: (2033 11/14/2000)

(a) The Administrator shall be responsible only to the Mayor and the Common Council for the proper coordination and administration of the business affairs of the City.

(b) The Administrator shall direct, administer, supervise, coordinate and expedite the activities of the following departments of the City: Engineering, Public Works, Water Utility, Sewer Utility, Building, Plumbing and Electrical Inspection, Emergency Government, Weed Control, Zoning Administration, Forestry and Parks & Recreation. The Administrator shall assist, cooperate and work closely with the Police and Fire Commission and the Police Chief and Fire Chief, the Library Board, and the Community Development Authority, in the administration, evaluation and management of their respective departments. The City Administrator shall assist, cooperate and work closely with and through the City Treasurer and City Clerk and their deputy clerks in carrying out the duties and responsibilities vested in these offices by the Wisconsin Statutes, the Municipal Code of Ordinances and by the directives and resolutions of the Common Council. The City Attorney shall be responsible only to the Common Council and the Mayor; and the Administrator and City Attorney shall work closely and cooperatively together. (2033 11/14/2000).

(c) The Administrator shall implement and carry out the ordinances, resolutions and directives of the Mayor and/or Council, and its Committees, which require administrative implementation, reporting promptly to the Mayor and Council any difficulties encountered and the progress and completion thereof.

(d) The Administrator shall be responsible for the administrative coordination of the day to day operations of the City government.

(e) The Administrator shall perform promptly, efficiently and effectively the following general duties:

1. Establish when necessary administrative procedures to increase the effectiveness and efficiency of City government according to current practices in local government;

2. Work cooperatively with all Boards, Commissions and Committees of the City and attend the meetings of a Board, Commission and Committee if requested by the Chairperson, the Mayor, or a Common Council member;

3. Keep informed concerning current federal, state, and county legislation and administrative rules affecting the City and submit appropriate reports and recommendations thereon to the Council;

4. Keep the Council and Mayor informed of changes in state and/or federal laws having an impact on the City and concerning the availability of federal, state and county funds for local programs and assist department heads and the Council in obtaining these funds under the direction of the Mayor and the Council.

5. Represent the City in matters involving legislative and inter-governmental affairs as authorized and directed as to that representation by the Mayor and Council;

6. In cooperation with the City Clerk, act as public information officer for the City with the responsibility of assuring that the news media are kept informed about the operations of the City and that all open meeting rules and regulations are followed;

7. Establish and maintain procedures to facilitate communications between citizens and City government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved;

8. Promote the economic well-being and growth of the City through public and private sector cooperation;

9. Provide leadership and direction in the development of short and long range plans; be responsible for and undertaking planning and
program analysis, including gathering, interpreting and preparing data for studies, reports and recommendations, and developing procedures, methods and techniques to meet the present and future needs of the City and to improve the efficiency, effectiveness and quality of services and programs provided by the City.

10. Perform such other duties and responsibilities as shall be assigned or delegated by the Council or the Mayor.

(f) The Administrator shall perform promptly, efficiently and effectively the following general responsibilities to the Common Council:

1. Attend all meetings of the Council, assisting the Mayor and the Council as necessary in the performance of their duties;

2. Attend all meetings of the Standing and Special Committees of the Council if requested by the Mayor or Committee chairperson, and assist Committee members as necessary in the performance of their duties;

3. In coordination with the Mayor, the Council, and the Clerk, ensure that appropriate agendas are prepared for all meetings of the Council, all Council committees, and all other appropriate committees and commissions of the City, together with such supporting material as may be required; with nothing herein being construed to give the administrator authority to limit or in any way prevent matters from being considered by the Council, or any of its committees and commissions;

4. Assist in the preparation of ordinance and resolutions as requested by the Mayor or the Council, or as needed;

5. Keep the Mayor and Council regularly informed about the activities of the Administrator's office by oral or written report at regular and special meetings of the Council;

6. In the event that action normally requiring Council approval is necessary at a time when the Council cannot meet, the Administrator shall receive directives from the Mayor.

7. Perform such other duties and responsibilities as shall be assigned or delegated by the Mayor or Council.

(g) The Administrator shall perform promptly, efficiently, and effectively the following personnel related duties in connection with the Engineering Department, Public Works Department, Sewer Utility, Water Utility, Building, Plumbing and Electrical Inspection, Zoning Administration, Parks, and Recreation Department, Forestry, Emergency Government, and Weed Control:

1. Be responsible for the administrative direction, supervision and coordination of each department head and all employees of the City in these departments.

2. Recommend to the Council or the appointing body as provided in §1.03 of this Code, the appointment, promotion, and when necessary for the good of the City, the suspension or termination of the department heads in these departments.

3. In conjunction and cooperation with the appropriate Department Head, be responsible for the appointment, promotion, and when necessary for the good of the City, to take disciplinary action, including suspension and termination, of employees below the Department Head within these departments. (2161 09/28/2004)

4. Be responsible for evaluating the job performance of the Department Heads of these departments not less than once per year and, when necessary for the good of the City, to discipline a Department Head. The Administrator shall further be authorized to administratively suspend a Department Head within these departments pending action by the Council or the appointing body as provided in Subsection (g)2 above. (2161 09/28/2004)

5. Work closely with the department heads of these departments to promptly resolve personnel problems or grievances.

6. Act as the approving authority for requests by department heads of these departments and City employees within these departments to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.

7. Advise and assist department heads in these departments in the recruiting, training and evaluation of subordinate employees and coordinate, and assist as necessary department heads in undertaking not less than once each calendar year a job performance evaluation of all employees in their departments.

8. Be responsible for keeping the Public Safety Committee and Parks & Recreation Commission regularly informed about the activities of their respective departments and to work closely with the Public Safety Committee and Parks & Recreation Commission in administering and directing the activities of the Sewer Utility, Water Utility, and Parks & Recreation Department and the Administrator shall regularly seek the advice and recommendation of these commissions on all policy related matters and/or before implementing material changes in their respective departments. (2033 11/14/2000)
9. Be responsible for such other personnel practices and matters regarding these departments as shall be assigned or delegated by the Mayor, Council or Personnel Committee.

(h) The City Administrator shall carry out promptly, efficiently and effectively the following personnel related duties with respect to departments under the jurisdiction of the Police and Fire Commission, Library Board, and the Community Development Authority: (2033 11/14/2000)

1. Coordinate and assist as requested these Boards and Commission in conjunction with undertaking a job performance evaluation of their respective department heads not less than once per calendar year.

2. Assist as requested the department heads of these departments to promptly resolve personnel problems or grievances.

3. Assist as requested the Council, Personnel Committee, and/or the foregoing Boards and Commissions in the appointment, promotion and when necessary for the good of the City the suspension or termination of the department head.

4. Assist as requested the department heads under the foregoing Boards and Commissions to undertake not less than once each calendar year a job performance evaluation of all employees in these departments.

5. Assist as requested the department head of the foregoing departments in the appointment, promotion and when necessary for the good of the City the suspension or termination of employees below the department head level within these departments.

6. Assist these Boards and Commissions as requested to carry out their actions and directives which require administrative implementation or where the Mayor and/or Common Council have so directed.

7. Be responsible for such other personnel practices and matters in conjunction with the Council, the Personnel Committee and the foregoing Boards and Commissions as shall be assigned or delegated by the Mayor or Council.

(i) The Administrator shall carry out promptly, efficiently and effectively the following general personnel related duties:

1. Serve as personnel officer for the City with responsibilities to see that complete and current personnel records, including specific job descriptions, for all City employees are kept; coordinate and administer the City's compensation plan, develop classification and salary schedules, job evaluation and performance evaluation procedures and rating forms and recommend to the Personnel Committee and Common Council salaries and classifications for City employees covered by the compensation plan; monitor and assure compliance with the City's collective bargaining agreements; develop and coordinate the implementation of high standards of performance by City employees; assure that City employees have proper working conditions; assure compliance with all local, state and federal laws and regulations applicable to hiring and employment practices.

2. Assist the Personnel Committee, the Mayor and the Common Council in labor negotiations and collective bargaining issues and bring tentative agreements to the Council for ratification.

3. Work closely with and assist all department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills.

4. Carry out all actions and directives of the Mayor, Common Council and Personnel Committee which require administrative implementation in personnel practices or where the Mayor and/or Common Council have so directed, except where such authority is vested by Wisconsin Statutes or the Municipal Code of Ordinances in a Board or Commission or other City officer.

5. Coordinate and conduct a monthly meeting with the Mayor, department heads and City officers in order to coordinate City programs and to keep all departments and officers current in regard to City
programs and practices and to implement the administration of the day-to-day business affairs of the City.

6. Be responsible for such other personnel practices and matters as shall be assigned or delegated by the Mayor or Common Council.

(k) The City Administrator shall carry out promptly, efficiently and effectively the following budgeting and purchasing responsibilities:

1. In conjunction with and under the direction of the Mayor, City Council and Finance Committee coordinate, assist and be responsible for the preparation of the annual City budget in accordance with such guidelines as may be provided by the Mayor, Council and Finance Committee and in coordination with department heads and City officials and pursuant to State Statutes and coordinating the review and approval of the budget by the Mayor, the Finance Committee and the Council.

2. Administer the budget as adopted by the Council.

3. Perform the duties and responsibilities of Comptroller as set forth in Wis. Stats.62.09(10).

4. Report regularly to the Mayor and Council on the current financial condition and future needs of the City and research the availability of alternative sources of funding for local programs and projects and advise the Mayor and Council of methods of procuring such funds; analyze and prepare reports on the fiscal impact of various proposals.

5. Administer and supervise the accounting system of the City and insure that the system employs methods in accordance with current professional accounting practices; monitor revenues and expenditures and maintain debt schedules; coordinate financial advisors, bond counsel and rating agencies on debt issues.

6. Serve as the purchasing agent for the City, supervising all purchasing and contracting for supplies and services, provided that the expenditure has been specifically approved in the City budget and provided that the purchasing procedures established by the Council and any limitations provided by the Wisconsin State Statutes are followed.

7. Execute contracts on behalf of the City when such execution has been expressly authorized by directive or resolution of the Council.

8. Coordinate, assist and approve requests for proposals, assist department heads in the preparation of specifications and the scheduling of authorized purchases to coincide with budgetary authorization and cash flow considerations and analyze bids with department heads and assist in the compilation of bid recommendations for Council approval.

9. Carry out all actions and directives of the Council in conjunction with budgeting and purchasing and which require administrative implementation or where the Mayor and/or Council have so directed.

10. Be responsible for such additional budgeting and purchasing matters as shall be assigned or delegated by the Mayor or Council.

(l) All officials, City officers and employees of the City shall cooperate with and assist the City Administrator and the City Administrator shall similarly cooperate with and assist all officials, City officers and employees of the City so that the City government shall function effectively and efficiently.

1.11 to 1.15 RESERVED

SUBCHAPTER II: BOARDS AND COMMISSIONS

1.16 PLAN COMMISSION.

(1) MEMBERSHIP. The Plan Commission shall consist of seven members. One member shall be the Mayor, or the Mayor’s designee, who shall be the Chairperson. One member shall be a member of the Baraboo Parks and Recreation Commission elected annually in April of each year by a majority vote of the Commission to serve a one-year term. Two members shall be Alders elected annually in April of each year by a majority vote of the Council. The other three members shall be citizen members of recognized experience and qualifications appointed by the Mayor. The citizen members shall serve for staggered three-year terms. The terms of Plan Commission members who are appointed or elected shall commence on the first day of May. (1768 09/13/94, 1946 08/11/98, 2254/04/24/07)

(2) POWERS AND DUTIES. The Plan Commission shall have the powers and duties prescribed in §62.23, Wis. Stats., and such other powers and duties as shall be vested in the Commission from time to time by the Council.

1.17 BOARD OF ZONING APPEALS.

(1) MEMBERSHIP.

(a) The Board of Zoning Appeals shall consist of five members appointed by the Mayor, subject to confirmation by the Council, for staggered terms of three years.

(b) Two alternate members shall be appointed by the Mayor for terms of three years and shall act only when a regular member is absent or refuses to vote because of interest.

(c) The Building Inspector shall attend meetings, upon request, to provide technical assistance as requested by the Board of Zoning Appeals.

(2) OFFICERS.
(a) **Chairman.** The Mayor shall designate the Chairman of the Board.

(b) **Secretary.** The City Clerk or his designee shall serve as Secretary to the Board.

(3) **POWERS AND DUTIES.** The Board of Zoning Appeals shall have the powers and duties prescribed in §62.23(7)(e), Wis. Stats.

1.18 **BOARD OF REVIEW.**

(1) **MEMBERSHIP.** The Board of Review shall consist of the Mayor, the City Clerk and three Alderpersons appointed annually by the Mayor. The City Assessor shall attend all meetings of the Board.

(2) **POWERS AND DUTIES.** The Board shall have the powers and duties prescribed in §70.47, Wis. Stats.

(3) **PROTECTION OF THE CONFIDENTIALITY OF INCOME AND EXPENSE INFORMATION.** (2003 02/22/2000)

(a) Whenever the City Assessor, in the performance of the Assessor’s duties, requests or obtains income and expense information pursuant to §70.47(7)(af), Wis.Stats., or any successor statute thereto, such income and expense information provided or supplied to the City Assessor shall be treated and held by the Assessor as confidential information. Confidential income and expense information provided to the City Assessor under this Section may only be revealed to and used as follows:

1. By persons in the discharge of duties imposed by law, or
2. By persons in the discharge of duties imposed by office, including, but not limited to, use by the Assessor in the performance of the official duties of the Assessor’s Office and use by the Board of Review in performance of its official duties, or
3. Pursuant to order of a court. Income and expense information provided to the City Assessor under §70.47(7)(af), Wis. Stats., shall not be subject to the right of inspection and copying under §19.35(1), Wis. Stats., unless a court determines that such income and expense information is inaccurate.

(b) Except as provided in sub (a), no City officer or employee shall disclose or make known in any manner to any person, firm, corporation, association, or other entity for any reason or purpose whatsoever the confidential income and expense information, or any particular thereof, procured or supplied to the City Assessor under this section.

(4) **FIRST MEETING OF BOARD OF REVIEW.** Pursuant to §70.47(3), Wis. Stats., the Board of Review for the City of Baraboo shall meet for at least two hours on its first meeting day between 8a.m. and midnight following completion of the assessment roll to receive the assessment roll and sworn statements from the Clerk and for taxpayers to appear and examine the assessment roll and other assessment data, and to conduct such other business as required by §70.47, Wis.Stats. The Board may adjourn from time to time until its business is completed and may designate such additional hours as deemed necessary. The designated hours for the first meeting of the Board of Review shall be set by resolution of the Common Council or by resolution of the Board of Review. The City Clerk shall publish notice of the first session of the Board of Review in accordance with §70.47, Wis. Stats. (2003 02/22/2000)

1.19 **POLICE AND FIRE COMMISSION.** (1528 01/24/89)

(1) **MEMBERSHIP.** The Police and Fire Commission shall consist of five elected citizens. (See §1.02(5)

(2) **POWERS AND DUTIES.** The Commission shall have the powers and duties prescribed in §62.13, Wis.Stats., except sub.6 thereof. In addition, the Commission shall be authorized to interview, select and appoint persons hired to fill non-sworn support staff positions of the Police Department and Fire Department, provided, however, that the position has been authorized and approved by the Common Council and the Common Council reserves the power to establish the salary and benefits for each such position. (1834 10/24/95)

(3) **ELECTION PROCEDURES.** Elections to fill unexpired terms to the Police and Fire Commission shall be held simultaneously with elections for regular terms. The regular terms shall be filled by the appropriate number of candidates receiving the highest number of votes and the unexpired terms shall be filled by the appropriate number of candidates receiving the next highest number of votes. (Charter Ordinance adopted 01/30/89)

1.20 **PARKS AND RECREATION COMMISSION.**

(1) **MEMBERSHIP.** The Parks and Recreation Commission shall consist of seven members including one Alderperson appointed annually by the Mayor and six citizen members appointed by the Mayor for staggered three-year terms. All appointments shall be subject to confirmation by the Council. (1479 11/24/87)

(2) **BOARDS AND COMMISSIONS 1.18(3) POWERS AND DUTIES.** The Commission shall have the general supervision of recreation in the City and shall operate and maintain all parks, the Civic Center, community recreation centers, playgrounds, or other areas that shall be assigned
to it by the Council. It may make rules and regulations for the government and control of all such places of recreation, subject to approval by the Council. The Commission shall generally direct the activities of the Director of Parks and Recreation and shall recommend the hiring of employees it deems necessary to carry out its responsibilities. It is the intent of the Council that the Commission promotes recreation in its broadest aspects and toward this end shall cooperate with existing recreational programs under the auspices of schools or semipublic groups within the City. The Commission shall issue a written annual report to the Council. The Commission shall also govern the City's Forestry Program and shall have the powers and duties prescribed in §27.09, Wis.Stats. (See § 8.l3)

1.21 LIBRARY BOARD.
(1) MEMBERSHIP. The Library Board shall consist of nine members who shall be appointed by the Mayor subject to confirmation by the Council. One member shall be the Baraboo School District Administrator or his/her representative. The remaining members shall be residents of the City of Baraboo, except that not more than 2 members may be residents of other municipalities, so long as they are also a resident of the Baraboo School District. The members shall be appointed for staggered three-year terms. (2165 10/12/2004; 2335 04/13/2010)

(2) POWERS AND DUTIES. The Library Board shall have the powers and duties prescribed in §43.58, Wis.Stats. The Board shall consult with the Council for the purpose of coordinating library personnel policies with general City personnel policies.

1.22 RESERVED.

1.23 ADMINISTRATIVE REVIEW APPEALS BOARD.
(1) MEMBERSHIP. The Administrative Review Appeals Board shall consist of the Mayor, an Alderperson and one citizen member. The Alderperson member shall be appointed annually by the Mayor, subject to confirmation by the Council. The citizen member shall be appointed by the Mayor, subject to confirmation by the Council, for a three-year term.

(2) POWERS AND DUTIES. See Ch. 6 of this Code.

1.24 BOARD OF PUBLIC WORKS. Commencing on October 1, 2000, and pursuant to §62.068, Wis. Stats. and other enabling statutes, the Common Council shall have all duties and powers granted by law to the Board of Public Works. The Common Council may delegate certain powers and duties of the Board of Public Works to a committee or commission of the City. (2033 11/14/2000) For Historical Note – See Chapter 13

POWERS AND DUTIES. The Board shall have the powers and duties prescribed in §62.14, Wis. Stats., and such other powers and duties assigned by the Council.

1.25 BARABOO UTILITY COMMISSION. (2033 11/14/2000)
(1) MEMBERSHIP. The Baraboo Utility Commission is abolished, and the duties of that body shall be assumed by the Public Safety Committee. Any reference to the Utility Commission within the Code of Ordinances shall instead be read as referring to the Public Safety Committee. (2354 01/25/2011)

(2) POWER AND DUTIES. See Chapter 13 of this Code.

1.26 RESERVED (2033 11/14/2000)

1.27 BARABOO ECONOMIC DEVELOPMENT COMMISSION. (2452 11/22/2016)
(1) PURPOSE. The purpose of the Baraboo Economic Development Commission shall be to develop data regarding the economic needs, advantages, and sites in the City of Baraboo; cooperate with other area economic development entities; acquaint prospective businesses with the advantages of location within the Baraboo area; and to study and make recommendations to the Mayor and City Council for the continuing improvement of the economic and business climate of Baraboo.

(2) MEMBERSHIP. The Baraboo Economic Development Commission shall consist of thirteen members. One member shall be the Mayor, or the Mayor’s designee. There shall be one member from each of the following organizations: the Baraboo Community Development Authority; the Sauk County Development Corporation; and the Baraboo Area Chamber of Commerce. Each of these three members shall be designated by the respective organization and according to its internal process and serves as an official representative from their organization. Up to eight members shall be citizen members appointed by the Mayor, including individuals, representatives of government, business or industry from the City of Baraboo, Village of West Baraboo, Town of Baraboo, Town of Greenfield or Town of Fairfield, all subject to confirmation by the Council. These citizen members may represent the following industries: health care, tourism, conservation, agriculture, manufacturing, financial, education, and retail
service. These eight Members shall serve staggered three-year terms. One additional member shall be an Alderperson appointed by the Mayor and confirmed by the City Council who shall serve a one-year term. The Commission shall elect a Chair, Vice Chair, and Secretary each year at its May meeting.

(2224 04/11/2006; 2374 02/14/2012; 2390 01/08/2013)

(3) POWERS AND DUTIES. The Commission, as an advisory group, shall work on various projects consistent with approved plans and policies and as assigned by the Mayor and/or City Council for the improvement of the economic vitality of the Community. These projects may include business and economic development initiatives, redevelopment planning, other community development efforts, and other matters related to the quality of life and economic vitality of the Baraboo area. The Commission shall make recommendations to the Mayor and City Council regarding its findings and for the continuing improvement of the economic climate of the Baraboo Area. The Commission shall, at least once a year on or before October 1st of each year, report to the Council concerning its activities and recommendations with regard to economic development matters. (2224 04/11/2006)

1.28 COMMUNITY DEVELOPMENT AUTHORITY.

(1) MEMBERSHIP. The Community Development Authority shall consist of seven members appointed by the Mayor, subject to confirmation by the Council. Five members shall be resident freeholders, who shall serve 4-year terms. Two members shall be members of the Council and shall serve during their term of office as Council members. (1463 02/19/87)

(2) POWERS AND DUTIES. Resolution No. 78-119, as amended by Resolution No. 79-56, and Resolution No. 91-196 are hereby adopted by reference and made a part hereof. See also §20.04(2).

(3) HOUSING RESIDENT APPOINTMENT TO AUTHORITY. The membership of the Community Development Authority shall be increased from the seven members appointed under §1.28(1) to include an eighth member, appointed by the Mayor, subject to confirmation by the Council. The member appointed under this Charter Ordinance shall be an adult who is receiving direct housing assistance from the Community Development Authority and who is a resident of the Corson Square Apartments, or the Donahue Apartments, or any other future public housing project under the jurisdiction of the Community Development Authority. The term of office for this member shall be two years except that the term of office for the first person appointed shall expire on November 14, 2001. The person appointed to fill this membership position shall be referred to as the Resident Housing Member of the Authority. This membership position on the Authority shall remain vacant if no eligible person applies to serve on the Authority after the Authority has provided reasonable written notification of a vacancy to the Resident Advisory Board. This Ordinance is adopted pursuant to the requirements of S.505 of the Public Housing Reform Act of 1998 (42 U.S.C.1437) and 24CFR Part 94 (06/23/99). (Charter Ord. 1994 01/11/2000)

1.29 RESERVED.

1.30 BARABOO DISTRICT AMBULANCE COMMISSION.

(1) MEMBERSHIP. The Baraboo District Ambulance Commission shall consist of seven (7) voting members and one (1) non-voting member. Four members shall be appointed by the City of Baraboo. Three members shall be appointed by the other participating municipalities. The non-voting member shall be appointed by St. Clare Hospital, or its designee. (1653 09/92)

(2) POWERS AND DUTIES. The Commission shall have the powers and duties set forth in the by-laws for the Baraboo District Ambulance Service. See Chapter 28 of this Code. (1653 09/92)

1.31 UW—BARABOO/SAUK COUNTY CAMPUS COMMISSION.

(1) MEMBERSHIP. The Commission shall consist of seven members. One member shall be the City Clerk, one member shall be the County Clerk, two members shall be Alderpersons appointed by the Mayor for one-year terms, two members shall be County Supervisors appointed by the County Board Chairman for one-year terms, and one member shall be appointed jointly by the Mayor and County Board Chairman. The Mayor and the County Board Chairperson shall be nonvoting ex officio members, but may vote if a City or County member, respectively, is absent.

(2) POWERS AND DUTIES. The Commission shall act as liaison to the University of Wisconsin.

1.32 BARABOO – WISCONSIN DELLS AIRPORT COMMISSION.

(1) MEMBERSHIP. The Baraboo-Wisconsin Dells Airport Commission shall consist of four members, one member appointed by the Mayor...
of Baraboo, one member appointed by the Mayor of Wisconsin Dells, one member appointed by the Village President of Lake Delton and one member appointed by the Town Chairman of the Town of Lake Delton, all for staggered six-year terms.

(2) POWERS AND DUTIES. The Commission shall have the powers and duties set forth in §114.14(3), Wis.Stats., and such other powers and duties prescribed by the above participating municipalities.

1.33 EMERGENCY MANAGEMENT. (2086 06/25/02)

(1) POLICY AND PURPOSE.

(a) Emergency Management shall mean the preparation for and the carrying out of all emergency functions to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or by fire, flood and other natural causes. (2086 06/25/02)

(b) By reason of the increasing possibility of disasters or unprecedented destructiveness and to insure that preparation will be adequate to cope with such disasters and to provide for the common defense, to protect the public peace, and to preserve the lives and property of the people, it is hereby declared necessary:

1. To establish a local Emergency Management Department. (2086 06/22/02)
2. To provide for the exercise of necessary powers during emergencies.
3. To provide for the rendering of cooperation and mutual aid between the City and other political subdivisions.

(c) It is further declared to be the purpose of this section and the policy of the City that all emergency management functions of the City be coordinated to the maximum extent applicable with the existing services and facilities of this City and with the comparable functions of the Federal, State and County governments and other political subdivisions, and the various private agencies to the end that most effective preparation and use may be made of manpower, resources and facilities for dealing with any disasters that occur. (2086 06/22/02)

(2) EMERGENCY MANAGEMENT COMMISSION. (2086 06/22/02)

(a) Membership. The Emergency Management Commission shall consist of the Mayor, the Emergency Management Director, EMS Manager or designee, Police Chief or designee, Utility Superintendent or designee, Street Superintendent or designee, City Engineer or designee, and one citizen member appointed by the Mayor. The City Administrator shall serve as an ex officio member of the Commission, except that if the Mayor is not in attendance, the City Administrator shall serve as a member on his behalf. The Mayor shall serve as Chairperson of the Commission and the Emergency Management Director shall serve as Secretary. Appointments for one-year terms shall be made by the Mayor at the annual organizational meeting, subject to confirmation by the Council. (2310 07/28/09)

(b) Powers and Duties. The Emergency Management Commission shall be an advisory and planning group and shall advise the Mayor, the Director and the Council in all matters pertaining to emergency management. (2086 06/22/02)

(3) EMERGENCY MANAGEMENT DIRECTOR. (2086 06/22/02)

(a) Appointment. The Emergency Management Director shall be appointed by the Mayor, subject to confirmation by the Council. Deputy and Assistant Directors may be appointed by the Director, subject to the approval of the Emergency Management Commission as may be deemed necessary. (2086 06/22/02)

(b) Powers and Duties.

1. The Director shall be the executive head of the Emergency Management Department and shall be directly responsible for the organization, administration and operation of the Emergency Management Department subject to the direction and control of the Mayor. He shall coordinate all activities for emergency management within the City and shall maintain liaison and cooperate with emergency management agencies and organizations and other political subdivisions and other State and Federal
government, and shall participate in County and State emergency management activities upon request, and shall have such additional authority, duties and responsibilities as are authorized by this section and which may from time to time be required by the Mayor. (2086 06/22/02)

2. In accordance with the State plan format and the County ordinance of compliance, the Director shall prepare a comprehensive general plan for the emergency management of the City and shall present such plan to the Council for its approval. When the Council has approved the plan by resolution, it shall be the duty of all municipal agencies and all emergency management forces of the City to perform the duties and functions assigned by said plan as approved. The plan may be modified in like manner. (2086 06/22/02)

(4) UTILIZATION OF EXISTING SERVICES AND FACILITIES. in preparing and executing the Emergency Management Plan, the Director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the City to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities to the Director. (2086 06/22/02)

(5) EMERGENCY REGULATIONS. Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the Council, the Mayor, or in his absence the Emergency Management Director, may, by proclamation, promulgate and enforce such orders, rules and regulations relating to the conduct of persons, traffic and the use of property, public and private, as shall be necessary to protect the public peace, health and safety, and preserve lives and property and to insure the cooperation necessary in emergency management activities. Such proclamations shall be posted in three public places and may be rescinded by the Mayor at any time. (2086 06/22/02)

(6) MUTUAL AID AGREEMENTS. The Director may, subject to the approval of the Council, enter into mutual aid agreements with other political subdivisions. A copy of such agreements shall be filed with the State Director of Emergency Management. (2086 06/22/02)

(7) DECLARATION OF EMERGENCIES. Upon the declaration by the Governor, by the Mayor or the Emergency Management Director in the absence of the Mayor, or by the Council of a state of emergency, the Director shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such disaster warnings or alerts as shall be required in the Emergency Management Plan. The Emergency Management Department shall take action in accordance with the Emergency Management Plan upon the declaration of an emergency and the issuance of official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority provided that any such declaration not issued by the Governor may be terminated at the discretion of the Mayor. (2086 06/22/02)

(8) WATER EMERGENCY. See §13.16.

(9) PENALTY. It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the Emergency Management Department in the enforcement of any order, rule, regulation or plan issued pursuant to this section, or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this section, and upon conviction thereof shall be subject to a forfeiture not to exceed $200. (2086 06/22/02)

1.34 TRANSPORTATION COMMISSION. The Transportation Commission is disbanded and its functions and responsibilities shall be performed by the Finance/Personnel Committee. (2319 09/23/2009)

1.35 EXPENSE ALLOWANCE FOR BOARDS AND COMMISSIONS. The per diem expense allowance to be paid to each member of the boards and commissions established under Sub-Chapter II of Chapter 1 of the Code shall be established by the Common Council by resolution and the Council may from time to time adopt a new per diem allowance schedule by resolution as deemed appropriate.

1.36 PROCEDURE FOR COMPLIANCE WITH OPEN MEETING LAWS. (1914 08/24/97)

(1) PURPOSE. In order to assure compliance with the requirements of the Wisconsin Open Meetings Law all Committees, Boards and Commissions of the City and all sub-units of these entities shall follow the procedures set forth in this section.

(2) PROCEDURE.
(a) Public Notice Agenda Preparation. The City Clerk shall be responsible for preparing the Public Meeting Notice and Agenda for each of the Committees, Commissions and Boards where the City Clerk is the appointed legal custodian pursuant to §1.59(3)(b) of this Code. City Committees, Boards, Commissions or sub-units thereof identified in §1.59(3)(c) of this Code shall designate the member of the entity who shall be responsible for preparing the Public Meeting Notice and meeting Agenda. Each Meeting Notice shall conform to the following format:

CITY OF BARABOO
PUBLIC MEETING NOTICE
(Name of Governmental Entity Holding Meeting)
Date:
Time:
Location:
Call to Order:
Roll Call

Approval of previous minutes

Adoption of agenda

Appearances/Announcements
Claim review

Reports

Unfinished business
New business

Miscellaneous business

Closed session (if any)

Adjournment

Notice Posted By: _____________

(b) Procedure for Posting Open Meeting Notices. Each Public Meeting Notice for all Commissions, Committees and Boards of the City, including but not limited to, those identified in §1.59(3)(b), Code, shall be delivered to the office of the City Clerk at least 36 hours in advance of the date and time of each meeting. When it is impossible or impractical due to emergency or unforeseen events to deliver the Notice to the Clerk at least 36 hours in advance of the date and time of a proposed meeting, the Clerk may accept and post the Notice as set forth in this subsection, provided that the Clerk has sufficient time to post the Notice in compliance with §19.84(3), Wis. Stats. Upon receiving a lawful and timely Notice, the Clerk's office shall place its stamp on the Notice, and shall then promptly distribute the Notice to the news media and post the Notice as required by the Wisconsin Open Meetings Law. The official notice shall be posted on the Bulletin Board located on the first floor of the Municipal Building. Additional Notices may be posted at the Baraboo Public Library and the Baraboo Civic Center, but such additional posting shall not be required. The chairperson of the entity calling the meeting, or his/her designee, shall be responsible for distributing the Notice to the unit's members and to other interested persons or entities. The Notice distributed to the unit's members shall display a copy of the Clerk's stamp. If amendments are made to a Notice after delivery to the Clerk's office, the same procedure shall be followed for all amendments. The City Clerk shall retain a copy of the posted agenda for those commissions, departments and boards identified in §1.59(3)(c); however, the official public meeting notice for these entities shall be held by the designated legal custodian thereof.

(c) Meeting Place To Be Accessible To Disabled. All meetings shall be held at a place that is accessible to disabled persons.

(d) All Minutes to be Filed with City Clerk. The legal custodian for those Committees, Commissions and Boards identified in §1.59(3)(c) of this Code shall be responsible for promptly filing with the City Clerk the minutes for each meeting held by such Committees, Commissions and Boards. The City Clerk shall retain a copy of the minutes for those commissions, departments and boards identified in §1.59(3)(c); however, the official minutes for these entities shall be held by the designated legal custodian thereof.

(3) JOINT COMMISSIONS EXEMPT. Subsection (b), above, shall not apply to the following joint commissions: Baraboo District Ambulance Commission, Baraboo-Wisconsin Dells Airport Commission, Pink Lady Rail Transit Authority.

(1654 09/22/92, 1678 12/92)

1.37 BARABOO CABLE COMMUNICATIONS COMMISSION.

(1701 11/23/93)

(1) CREATION OF COMMISSION. The Baraboo Cable Regulatory Commission shall consist of five
members, including one Alderperson appointed annually by the Mayor and four (4) residents of the City appointed by the Mayor for staggered three year terms. All appointments shall be subject to confirmation by the Council. Commission members shall, if the service is available, be subscribers to cable television service.

(2) POWERS AND DUTIES. The Commission shall have the following powers, duties and authority, under the general control and supervision of the Council:

(a) General overall enforcement of the Baraboo Cable Communications Ordinance, Chapter 21.

(b) Investigate and attempt to resolve disputes or disagreements, other than claims for monetary damages, between any subscriber and a Grantee upon the written request of either party.

(c) Insure that all required reports are completed and filed by Grantees pursuant to the City Cable Communications Ordinance and review all reports submitted to the City by Grantees.

(d) Assure that all rates, schedules and rules pertinent to the operation of any cable system are made available for inspection by the public at reasonable hours and upon reasonable requests.

(e) Review all applications for franchises, negotiate franchise agreement terms with applicants and recommend action thereon by the Common Council.

(f) Review and regulate the rates and charges associated with the provision of any cable service pursuant to §21.20 of this Code to the extent that the Commission deems necessary and appropriate.

(g) Review all applications for renewals of any cable system franchise and recommend action thereon by the Common Council.

(h) Establish and enforce rules and regulations for the use of the public, educational and governmental channels.

(i) Conduct such inspections of any cable systems as may be necessary to insure compliance with the Cable Communications Ordinance and the terms of any franchise agreement.

(j) Prepare and submit an annual budget to the Common Council for the operation of the Commission. At no time shall the annual expenditures of the Commission exceed the annual franchise fees paid to the City. The Commission shall have the authority to employ experts and consultants and to pay for their services and to incur and pay such other expenses as may be necessary and proper to carry out the powers and duties granted to the Commission provided, however, that such expenditures are included in the amount appropriated to the Commission in its annual budget or otherwise approved by the Common Council. The Commission shall annually recommend to the Council the use of franchise fees paid to the City pursuant to the Cable Communications Ordinance.

(k) Meet and coordinate activities with cable regulatory commissions of neighboring communities to the extent deemed necessary and appropriate by the Commission.

(l) Monitor the operations of all Grantees for compliance with the terms of their franchise agreements and with the Baraboo Communications Ordinance.

(m) Perform such other duties and services as the Common Council may assign to it from time to time.

(n) Insure that all franchise fees are paid to the City in a timely manner accompanied by all required supporting documentation.

(o) Adopt rules and regulations for the conduct of its business, to investigate complaints and to hold hearings in order to enforce the City’s Cable Communications Ordinance.

(3) LEGAL COUNSEL. The City Attorney shall act as legal counsel for the Commission.

1.38 - 1.43 RESERVED

SUBCHAPTER III: ELECTIONS AND POLITICAL BOUNDARIES

1.44 CITY CLERK’S ELECTION DUTIES. As provided in §7.15, Wis. Stats., the City Clerk shall have charge of and supervise all elections held in the City.

1.45 ELECTION OFFICIALS. Election officials for each polling place shall be appointed pursuant to §7.30, §7.31 and §7.32, Wis. Stats.

1.46 NOMINATION OF ELECTED CITY OFFICERS. All candidates for elective City office shall file nomination papers pursuant to §8.10, Wis. Stats.
1.47 **POLLING HOURS.** The polls of the City shall opened at 7:00 A.M. and close at 8:00 P.M. for all elections. (2165 10/12/2004)

1.48 **POLLING PLACES.** The polling place for the City is the ground floor gym in the Baraboo Civic Center, located at 124 2nd St, Baraboo, WI 53913: (1610 06/06/91, 2117 05/13/03, 2475 01/23/18)

1.49 **CITY BOUNDARIES AND ANNEXATIONS.**

(1) **BOUNDARIES.** The boundaries of the City are set forth on the Official Map of the City and the legal description of said boundaries are on file in the office of the City Clerk. The number of any ordinance annexing territory to or detaching from the City after the effective date of this Code shall be added to this section in sub. (2) below.


(3) **DETACHMENTS:** Ord. #1683, #2491.

1.50 **WARD BOUNDARIES.** Pursuant to §5.15, Wis. Stats., the City is hereby divided into 14 wards. The boundaries of each ward are hereby established as set forth on the Official City Map Designating Ward Boundaries dated April 29, 2011, which is on file in the Office of the City Clerk and is incorporated herein by reference. (2056 06/26/2001; 2360 07/12/2011)

1.51 **ALDERMANIC DISTRICTS.** The City is hereby divided into nine Aldermanic Districts, comprised from the 14 Wards, as shown on the Official City Map Designating Ward Boundaries dated April 29, 2011, which is on file in the Office of the City Clerk and is incorporated herein by reference. (2056 06/26/2001; 2360 07/12/2011)

(1) **FIRST ALDERMANIC DISTRICT.** Wards 2 and 12.

(2) **SECOND ALDERMANIC DISTRICT.** Ward 3.

(3) **THIRD ALDERMANIC DISTRICT.** Wards 4 and 5.

(4) **FOURTH ALDERMANIC DISTRICT.** Ward 6.

(5) **FIFTH ALDERMANIC DISTRICT.** Ward 7.

(6) **SIXTH ALDERMANIC DISTRICT.** Wards 8 and 9.

(7) **SEVENTH ALDERMANIC DISTRICT.** Ward 10.

(8) **EIGHTH ALDERMANIC DISTRICT.** Wards 11 and 14.

(9) **NINTH ALDERMANIC DISTRICT.** Wards 1 and 13.

1.52 **COUNTY SUPERVISORY DISTRICTS.** The City is hereby divided into six County Supervisory Districts, comprised from the 14 wards as shown on the Official City Map Designating Ward Boundaries dated April 29, 2011, which is on file in the Office of the City Clerk and is incorporated herein by reference, and as described in §1.50 of this subchapter as follows: (2056 06/26/2001; 2360 07/12/2011; 2372 12/13/11)

(1) **FOURTEENTH COUNTY SUPERVISORY DISTRICT.** Wards 6 and 8.

(2) **FIFTEENTH COUNTY SUPERVISORY DISTRICT.** Wards 9 and 10.

(3) **SIXTEENTH COUNTY SUPERVISORY DISTRICT.** Wards 2, 12, and 14.

(4) **SEVENTEENTH COUNTY SUPERVISORY DISTRICT.** Wards 1, 11, and 13.

(5) **EIGHTEENTH COUNTY SUPERVISORY DISTRICT.** Wards 3 and 4.

(6) **NINETEENTH COUNTY SUPERVISORY DISTRICT.** Wards 5 and 7.

1.53 **ELECTION MAPS ON FILE.** Ward Maps, Aldermanic District Maps and County Supervisory District Maps shall be kept on file in the office of the City Clerk.

1.53 – 1.58 **RESERVED**

**SUBCHAPTER IV: PUBLIC RECORDS**

1.59 **PUBLIC RECORDS, ACCESS TO.**

(1) **DEFINITIONS.**

(a) **Authority** means any of the following City entities having custody of a City record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted sub-unit of the foregoing.

(b) **Custodian** means that officer, department head, division head or employee of the City designated under sub. (3) below or otherwise responsible by law to keep and preserve any City records or file, deposit or keep such records in his office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.
(c) **Record** means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, hand-written, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and the like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library. Except as otherwise directed by the Mayor or Common Council, any audio taped recording of a governmental meeting of the City shall be deemed to be solely for the purpose of preparing minutes of the meeting as provided in §19.21(7) Wis. Stats., and any video taped recording of Common Council meetings under-taken for broadcasts on the City's Governmental Access Channel (Channel 42) shall not be deemed a "record" of an “authority” under this subsection or under Chapter 19, Stats. (1926 01/13/98)

(d) **Employee** means any individual who is employed by an authority, other than an individual holding local public office, or any individual who is employed by an employer other than the authority. (2140 02/10/2004)

(e) **Local Public Office** means any of the following offices: (2140 02/10/2004)

1. An elective office of the City.

2. An appointive office or position of the City in which the appointed individuals serve for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.

3. An appointive officer position of the City which is filled by the Common Council and in which the incumbent serves at the pleasure of the Common Council, except a clerical position, a position limited to the exercise of ministerial action, or a position filled by an independent contractor.

4. Any appointive office or position of the City in which an individual serves as the head of a department, agency, or division of the City, but does not include any office or position filled by a municipal employee as defined in §111.70(1)(f), Wis. Stats.

(f) **Ministerial Action** means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandates of legal authority, without regard to the exercise of the individual's own judgment as to the propriety of the action being taken. (See §19.42(8), Stats.) (2140 02/10/2004)

(2) **DUTY TO MAINTAIN RECORDS.**

(a) Except as provided under §1.60(5) of this subchapter, each officer and employee of the City shall safely keep and preserve all records received from his predecessor or other persons and required by law to be filed, deposited or kept in his office or which are in the lawful possession or control of the officer or employee or his deputies, or to the possession or control of which he may be lawfully entitled as such officer or employee.

(b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his successor all records then in his custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the City Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(3) **LEGAL CUSTODIANS.** (1915 08/24/97)

(a) Each elected official is the legal custodian of his/her records and the records of his/her office, but the official may designate an employee of his/her staff to act as the legal custodian.

(b) Unless otherwise prohibited by law, the City Clerk or the Clerk’s designee shall act as legal custodian for the Council and for the following committees, commissions and boards:
Standing Committees of the Council
. Special or Ad Hoc Committees appointed by the Council or Mayor
. Board of Review
. Administrative Review Appeals Board
. Baraboo Economic Development Commission
. Transportation Commission
. Baraboo Cable Communications Commission
. Claims Committee
. Business Improvement District Board

All petitions, applications, correspondence, maps, plats or other written communications, documents or records filed with a City officer or staff member, elected official or appointed official which may require action or follow-up by the Common Council or by any of the above identified committees, commissions or boards shall be promptly delivered to the City Clerk in her/his capacity as legal custodian of said record.

(c) Unless otherwise prohibited by law, the following departments, commissions and boards shall be responsible for keeping, maintaining and preserving all public records required by this Code and the Wisconsin State Statutes and the legal custodian of these records for the following departments, commissions and boards shall be as indicated below, provided that such designated officer may appoint an employee of his/her staff to act as legal custodian:

. Police Department - Police Chief
. Fire Department - Fire Chief
. Library Board - Head Librarian
. Public Safety Committee (as it relates to the former Utility Commission) - Utility Superintendent (2033 11/14/2000)
. Community Development Authority - Executive Director
. Baraboo District Ambulance Commission - Official designated by the Commission
. Baraboo-Wisconsin Dells Airport Commission - Official designated by the Commission
. Emergency Government - Fire Chief
. Park and Recreation Commission - Director

Board of Zoning Appeals -
Zoning Administrator / Building Inspector
. Police and Fire Commission -
Commission Secretary
. Plan Commission - City Engineer
. Pink Lady Transit Authority -
Official designated by the Authority
. U.W. Baraboo/Sauk County Campus Commission - Official designated by the Commission

All petitions, applications, correspondence, maps, plats or other written communications, documents or records filed with a City officer or staff member, elected official or appointed official and which may require action or follow-up by the above identified departments, commissions or boards shall be promptly delivered to the legal custodian named above, or to his/her designee, in his/her capacity as legal custodian of said record.

(d) Each legal custodian shall designate one or more persons to act as deputy legal custodian in his/her absence or as otherwise required to respond to public record requests. This subsection does not apply to Common Council members. (See §19.33(6), Wis. Stats.)

(e) Each and every legal custodian designated in subs. (b) and (c) hereof shall safely keep and preserve all property and records as required by Ch. 19, Subchapter II, Wis. Stats. and in accordance with the City Public Record Retention Code and Schedule. The legal custodian shall have full legal power to render decisions and to carry out the duties of an Authority under Ch. 19, Subchapter II, Wis. Stats., and this section. The designation of a legal custodian does not affect the powers and duties of the Authority under this section.”

(4) PROCEDURAL INFORMATION. Pursuant to §19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which the legal custodian from whom and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof.
The notice shall also separately identify each position of the authority that constitutes a local public office. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of this section. This section does not apply to members of the Council. (2140 02/10/2004)

(5) PUBLIC ACCESS TO RECORDS; FEES

(a) Except as provided in sub. (7) below, any person has a right to inspect a record and to make or receive a copy of any record as provided in §19.35(1), Wis. Stats.

(b) Records will be available for inspection and copying during all regular office hours.

(c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.

(d) A requester shall be permitted to use facilities comparable to those available to City employees to inspect, copy or abstract a record. This subsection does not authorize or require the purchase or lease of equipment nor does it require the provisions of a separate room for inspection, copying or abstracting of records.

(e) The authority may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:

1. A cost per page of photocopying, as determined by the City Clerk, shall be charged. Said cost shall not exceed the actual, necessary and direct costs to the authority of reproduction, and such charges shall be prominently displayed and made available for inspection by the authority at its office.

2. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

3. The actual full cost of providing a copy of other records not in printed form on paper such as films, computer printouts and audio or videotapes shall be charged.

4. If mailing or shipping is necessary, the actual cost thereof shall also be charged.

5. There shall be no charge for locating a record unless the actual cost therefor exceeds $50, in which case the actual cost shall be determined by the authority and billed to the requester.

6. The authority shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment if such estimate exceeds $5.

7. The authority may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.

8. Elected and appointed officials of the City shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

(6) ACCESS PROCEDURES.

(a) A request to inspect or copy a record shall be made to the authority. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under §19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail unless prepayment of a fee is required under sub. (5)(f)6. above. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or Federal law or regulations so require.

(b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or
notify the requester of the authority’s determination to deny the request in whole or in part and the reasons therefore. When the legal custodian has doubts as to whether the requested records are exempt for disclosure, in whole or in part, he/she shall have seven working days to confer with the City Attorney prior to making a determination. If the legal custodian, after conferring with the City Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his request in a manner which would permit reasonable compliance. (1654 09/92)

(c) A request for a record may be denied as provided in sub. (7) below. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of the request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under §19.37(1), Wis. Stats., or upon application to the Attorney General or a district attorney.

(7) LIMITATIONS ON RIGHT TO ACCESS.

(a) As provided by §19.36, Wis. Stats., the following records are exempt from inspection under this section:

1. Records specifically exempted from disclosure by State or Federal law or authorized to be exempted from disclosure by State law.

2. Any record relating to investigative information obtained for law enforcement purposes if Federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state.

3. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection.

4. A record or any portion of a record containing information qualifying as a common law trade secret.

5. Records containing the following information, except to an employee or the employee’s representative to the extent required under §103.13, Wis. Stats., or to a recognized or certified collective bargaining representative to the extent required to fulfill a duty to bargain under Ch.111 or pursuant to a collective bargaining agreement under Ch.111: (2140 02/10/2004)

   a. Information maintained, prepared, or provided by the City concerning the home address, home electronic mail address, home telephone number, or Social Security number of an employee, unless the employee authorizes the authority to provide access to such information.

   b. Information relating to the current investigation of a possible criminal offense or possible misconduct connected with employment by an employee prior to disposition of the investigation.

   c. Information pertaining to an employee’s employment examination, except an examination score if access to that score is not otherwise prohibited.

   d. Information relating to one or more specific employees of the City that is used by an authority or by the City for staff management planning, including performance evaluations, judgments, or recommendations concerning future salary adjustments or other wage treatments, management bonus plans, promotions, job assignments, letters of reference, or other comments or ratings relating to employees.
6. Records, except to an individual to the extent required under §103.13, Wis. Stats., containing information maintained, prepared, or provided by the City concerning the home address, home electronic mail address, home telephone number, or Social Security number of an individual who holds a local public office, unless the individual authorizes the City to provide access to such information. This sub-section does not apply to the home address of an individual who holds an elective public office or to the home address of an individual who, as a condition of employment, is required to reside in a specified location. (2140 02/10/2004)

7. Records prepared or provided by an employer performing work for the City on a project to which §66.0903, §103.49, or §103.50, Wis. Stats., applies, or on which the employer is otherwise required to pay prevailing wages, if that record contains the name or other personally identifiable information related to an employee of that employer, unless the employee authorizes the authority to provide access to that information. In this subsection, personally identifiable information” does not include an employee’s work classification, hours of work, or wage or benefit payments received for work on such a project. (2140 02/10/2004)

(b) As provided by §43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.

(c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the City Attorney, may deny the request, in whole or in part, only if he determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

1. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.

2. Records of current deliberations after a quasijudicial hearing.

3. Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any City officer or employee, or the investigation of charges against a City officer or employee, unless such officer or employee consents to such disclosure.

4. Records concerning current strategy for crime detection or prevention.

5. Records of current deliberations or negotiations on the purchase of City property, investing of City funds or other City business whenever competitive or bargaining reasons require nondisclosure.

6. Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.

7. Communications between legal counsel for the City and any officer, agent or employee of the City when advice is being rendered concerning strategy with respect to current litigation in which the City or any of its officers, agents or employees is, or is likely, to become involved, or communications which are privileged under §905.03, Wis. Stats.

(c) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the City Attorney prior to releasing any such record and shall follow the guidance of the City Attorney when separating out the exempt material. If in the judgment of the custodian and the City Attorney there is no feasible way to separate the exempt material from the nonexempt material without
unreasonably jeopardizing non-disclosure of the exempt material, the entire record shall be withheld from disclosure.

1.60 PUBLIC RECORDS RETENTION ORDINANCE. (1818 06/27/95 - Certified copy of Ord. sent to Wis. Public Records and Forms Board on 07/10/95)

(1) PURPOSE. The purpose of this Ordinance is to establish a City of Baraboo Records Retention Schedule and to authorize destruction of City records pursuant to the Schedule on an annual basis. Record custodians may destroy a record prior to the time set forth in the Schedule only if such record has been photographically reproduced as an original record or converted to optical disc format pursuant to §16.61(7) Wis. Stats. Any record not covered by this Ordinance or by any State Statute or administrative regulation shall be retained 7 years.

(2) DEFINITIONS.
   (a) "Legal Custodian" means the person responsible for maintaining records pursuant to §19.33 Wis. Stats.
   (b) "Record" has the meaning defined in §19.32(2), Wis. Stats.

(3) CITY RECORDS RETENTION SCHEDULE CREATED AND ADOPTED. The "Official City of Baraboo Records Retention Schedule dated April 3, 1995," is hereby adopted by reference. The Schedule shall be kept on file and maintained in the office of the City Clerk.

(4) AMENDMENTS TO SCHEDULE. The Official City of Baraboo Records Retention Schedule dated April 3, 1995, is hereby amended as follows: 1927 01/13/98

(5) WATER UTILITY RECORDS. Records of the Baraboo Water Utility shall be retained in accordance with regulations established and published by the Public Service Commission of Wisconsin. (2033 11/14/2000)

(6) NOTICE TO STATE HISTORICAL SOCIETY REQUIRED. Unless notice is waived by the State Historical Society of Wisconsin at least 60 days notice shall be given by the Record Custodian to the Society prior to the destruction of any record as provided in §19.21(4)(a) Wis. Stats. Notice to the State Historical Society shall be required for any record not listed on the City’s Official Records Retention Schedule.

(7) PRESERVATION THROUGH MICROFILM OR OPTICAL IMAGING. Record Custodians may keep and preserve public records through the use of microfilm or optical imaging providing the microfilm or optical imaging meets the applicable standards contained in §16.61(7) and §16.61(2), Wis. Stats. After verification, records preserved by the use of microfilm or optical imaging shall be considered the original record for all purposes and any record converted to microfilm or optical imaging shall be destroyed. The retention periods identified in the Schedule shall apply to all City records in any media.

(8) DESTRUCTION AFTER REQUEST FOR INSPECTION. No record subject to a pending public records request may be destroyed until after the request is granted or until 60 days after the request is denied. If any action is commenced under §19.37 Wis. Stats., the requested record may not be destroyed until after a Court Order is issued and all appeals have been completed as provided in §19.35(5) Wis. Stats.

(9) DESTRUCTION PENDING LITIGATION. No record subject to pending litigation shall be destroyed until the litigation is resolved.

(10) TAPE RECORDING. Any tape recording of a governmental meeting of the City may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published if the purpose of the recording was to take minutes of the meeting.

(11) PUBLIC RECORDS AND FORMS BOARD REVIEW. This section and the retention periods established in the Official City Record Retention Schedule were reviewed and approved by the Public Records and Forms Board on May 17, 1995. Any amendments to this Ordinance or the Schedule shall be subject to review and approval by the Public Records and Forms Board to the extent required by State law.

City Attorney Note: The Wisconsin Municipal Records Manual is designed to assist public officials in Wisconsin’s cities, villages, and towns in the administration of current public records and in the disposition of non-current materials. It provides an overview of records management practices and recommendations for the retention and disposition of public records.


SUBCHAPTER V: CODE OF ETHICS (1929 02/24/98)

1.70 DECLARATION OF POLICY. To ensure that the public can have complete confidence in the integrity of the City of Baraboo, each elected and appointed official and each employee shall respect and adhere to the fundamental principals of ethical service. The proper operation of City government demands that:
(1) City officials and employees be independent, impartial, and responsible to the people;
(2) Decisions be made in the proper channels of the City governmental structure;
(3) City offices should not be used for personal gain;
(4) City business should be conducted in such a way so as to re-enforce the public’s confidence in its integrity.

In recognition of these fundamental principles, there is hereby created a Code of Ethics.

1.71 PURPOSE. The purpose of this Code is to establish ethical standards of conduct for all City officials and employees by identifying those acts or actions that are not compatible with the best interest of the City. Because representatives of the City are drawn from society, they cannot and should not be without all personal and economic interest in the decisions and policies of government. Citizens who serve as City officials and employees retain their rights as citizens to personal and economic interests. Therefore, the standards of ethical conduct for City officials and employees must distinguish between minor and inconsequential conflicts which are unavoidable and those conflicts which are substantial and material.

The provisions of this Code, and such rules and regulations which may be established are to be interpreted in the context of the above principles and are deemed to be in the best interest of the public.

1.72 RESPONSIBILITY OF PUBLIC OFFICE. City officials and employees are agents of public purpose and hold office to serve the public interest. They are found to uphold the Constitution of the United States, the Constitution of the State of Wisconsin, and to carry out efficiently and impartially all laws of the United States, the State of Wisconsin, and the Ordinances of the City of Baraboo. Further, they are found to observe in their official acts, the standards of ethics set forth in this code and to faithfully discharge the duties of their office. The public interest must be their primary concern.

1.73 COVERAGE. This Code governs all City officials, whether elected or appointed, paid or unpaid, including members of boards, committees, and commissions, public officers, department heads, and City employees.

1.74 EXEMPTIONS. Political contributions which are reported under Ch. 11, Wis. Stats., are exempt from the provisions of this Code.

1.75 DEFINITIONS

(1) PERSON: Any individual, corporation, partnership, joint venture, association, or organization.

(2) FINANCIAL INTEREST: Any interest which yields, directly or indirectly, a monetary or other material benefit to the City official or employee or to any person employing or retaining services of the City official or employee.

(3) ANYTHING OF VALUE: Any money or property, favor, service, advance forbearance, loan or promise of future employment, but does not include such things as compensation and expenses paid by the State or City, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways or any other thing which is not likely to influence the judgment of individuals covered by this Code.

(4) PRIVILEGED INFORMATION: Any written or oral material related to City government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.

(5) OFFICIAL: All elected officials designated in §1.02 of this Code, all appointed officials designated under §1.03 of this Code, all members of any board, committee, and/or commission designated in Chapter 1 of this Code or created by order to the Mayor or by legislative act of the Common Council.

(6) EMPLOYEE: All persons filling an allocated position of City employment.

(7) IMMEDIATE FAMILY:

(a) An official's or employee's spouse; and

(b) An official's or employee's relative by marriage, lineal descent, or adoption who receives, directly or indirectly, more than one-half of his or her support from the official or employee or from whom the official or employee receives, directly or indirectly, more than one-half of his or her support.


1.76 FAIR AND EQUAL TREATMENT

(1) USE OF PUBLIC PROPERTY: An official or employee shall not use, or knowingly permit the use, of City services or City owned vehicles, equipment, materials for unauthorized non-governmental purposes or for unauthorized personal convenience or for profit, unless such services or use are available to the public
generally or are consistent with authorized practices and policies of the City.

(2) OBLIGATIONS TO CITIZENS: An official or employee shall not grant any special consideration, treatment or advantage to any citizen beyond which is available to every other citizen. This section does not affect the duty of the Common Council members to diligently represent their constituency.

1.77 CONFLICTS OF INTEREST

(1) RECEIPT OF GIFTS AND GRATUITIES PROHIBITED: An official or employee shall not accept anything of value whether in the form of a gift, service, loan, or promise from any person which may impair his or her independence of judgment or action in the performance of his or her official duties. See also §1.80.

(2) EXCEPTION: It is not a conflict of interest for an official or employee to receive a gift or gratuity that is an unsolicited item of insignificant value or anything which is given to them independent of their position as an official or employee.

(3) BUSINESS INTEREST: An official or employee shall not engage in any business or transaction or act in regard to any financial interest, direct or indirect, which:

(a) Is incompatible with the proper discharge of his or her official duties for the benefit of the public;
(b) Is contrary to the provisions of this code; or
(c) May impair his or her independence of judgment or action in the performance of his or her official duties.

(4) EMPLOYMENT: An official or employee shall not engage in or accept any private employment or render any service for a private interest when such employment or service is incompatible with the proper discharge of his or her official duties or which may impair his or her independence of judgment or action in the performance of his or her official duties unless otherwise permitted by law or unless disclosure is made as hereinafter provided.

(5) CONTRACTING: An official or employee or a business in which an official or employee holds a 10% or greater interest, may not enter into a contract with the City involving a payment or payments of more than $1,000 amount within a twelve month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest to the City Clerk and reported such interest to the Common Council. Further, pursuant to §946.13, Wis. Stats., an official or employee is prohibited from participating in the formation of a contract or contracts with the City of Baraboo involving the receipts or disbursements of more than $15,000 in any year.

(6) MITIGATING CONFLICTING INTERESTS. As a guideline for officials and employees for mitigating conflicting interests, the City hereby adopts by reference the most current guide prepared by the Wisconsin Ethics Board on the following subjects: (2080 04/16/2002) (A copy of these guidelines are set forth in the Appendix to Ch. I)

Mitigating Conflicting Interests: Private Interest versus Public Responsibility:

1.78 FINANCIAL INTEREST IN LEGISLATION. A member of the Common Council who has a financial interest in any proposed action before the Common Council shall disclose the nature and extent of such interest to the City Clerk and the Common Council prior to or during the initial discussion of such action and shall refrain from participating in the discussion of and/or voting on such action. A member of the Common Council shall request to be excused by the Common Council or Committee chairperson for the duration of any deliberations concerning such action in which the member has a financial interest.

A member of a City board, commission, or committee who has a financial interest in any proposed action before the board, commission, or committee on which said member serves shall disclose the nature and extent of such interest to the City Clerk and to the board, committee, or commission prior to or during the initial discussion of such action and shall refrain from participating in any discussions, deliberations, and/or voting on such action. The members shall request to be excused by the committee, commission, or board or its chairperson for the duration of any discussions, deliberations, or voting concerning the action in which the member has a financial interest.

Any other official or employee who has a financial interest in any proposed action before the Common Council, and who participates in discussion with or gives an official opinion or recommendation to the Common Council, shall first disclose the nature and extent of such interest to the Common Council.

1.79 DISCLOSURE OF PRIVILEGED INFORMATION. An official or employee shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. An official or employee shall not use privileged information to advance his or her personal financial interest or that of his or her immediate family.

1.80 GIFTS AND FAVORS. An official or employee shall not accept from any person or organization, directly or
indirectly, anything of value without full payment, if it could reasonably be expected to influence his or her vote, governmental actions or judgments or is provided to such official or employee because of his/her position or office and could reasonably be considered as a reward for any governmental action or inaction. As a guideline for officials and employees under this subsection, the City hereby adopts by reference the most current guide prepared by the Wisconsin Ethics Board on the following subjects:

(1) Local Officials' Receipt of Food, Drink, Favors, Services, etc.
(2) Restraints on Local Officials Receipt of Food, Drink, Favors, Services, etc.
(3) Attendance at Conferences or Seminars on Behalf of the State or Local Government.

(A copy of these guidelines are set forth in the Appendix to Chapter I.)

1.81 ANTI-NEPOTISM. It shall be improper for a person to be hired by the City because he or she is a relative of a City official provided, however, it is acknowledged that a person, otherwise qualified, should not be denied employment with the City because he or she is related to a City official. A City official shall not use his or her office to bring about employment of a relative and an official shall neither

(1) Hire or promote as an employee of the City, nor
(2) Advocate the City's employment or promotion of, nor
(3) Exercise jurisdiction, supervision, or direction over an official's relative. No person shall be employed, promoted or transferred to any City department when, as a result, he or she would be supervising or receiving supervision from a relative. Upon approval of the Finance/Personnel Committee, this subsection three shall not apply to the Baraboo Volunteer Fire Department, provided that the subordinate relative is a member of the Volunteer Fire Department and is not a full-time employee of the Department and is also a part-time paid-on-call firefighter of the Baraboo Volunteer Fire Department. (2026 09/12/2000)

1.82 STATE STATUTES INCORPORATED.

(1) STATUTES INCORPORATED BY REFERENCE: The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:

§19.01 (Oaths and Bonds)
§19.21 (Custody and Delivery of Official Property and Records)

§19.81 - §19.89 (Open Meetings of Governmental Bodies)
§19.59 (Codes of Ethics for Local Government Officials, Employees, and Candidates).

(2) VIOLATION OF INCORPORATED STATUTES: Officials shall comply with the sections of the Wisconsin Statutes incorporated in this Code and failure to do so shall constitute a violation of this Code of Ethics.

1.83 ADVISORY OPINIONS PROVIDED BY CITY ATTORNEY Any person covered by this Subchapter as provided in §1.73 may request of the City Attorney an advisory opinion regarding the propriety of any matter to which the person is or may become a party. The City Attorney shall review such a request for an advisory opinion any may advise the person making the request. Advisory opinions and requests, therefore, shall be in writing and shall state all material facts. It shall be prima facie evidence of intent to comply with this subchapter when a person refers a matter to the City Attorney and abides by the advisory opinion if the material facts are as stated in the opinion request. Records of the City Attorney's opinions, opinion requests and investigations of violations shall be closed to public inspection as required by Ch. 19, Wis. Stats. Except as provided by §19.59(5)(b), Wis. Stats., the City Attorney shall not make public the identity of any person requesting an advisory opinion or of persons or organizations mentioned in the opinion.

1.84 ETHICS BOARD

(1) MEMBERSHIP: There is hereby created an Ethics Board consisting of three regular members and one alternate member. All members of the Board shall be residents of the City or owners of real property located in the City. The members shall not be elected officials, full-time appointed officials or City employees, nor shall a member be currently serving on any other City board, commission, or committee. Each member shall be appointed by the Mayor, subject to confirmation by the Common Council. The members shall serve staggered three year terms expiring on the first day of May of the third year following their appointment, except as otherwise provided in the implementation of this subchapter. The alternate member shall serve on the Board when one of the regular members is unavailable or unable to serve. The Board shall elect a chairperson and vice-chairperson. The City Attorney shall provide legal advice and assistance to the Board. The City Clerk shall serve as the secretary of the Board.

(2) POWERS AND DUTIES:

(a) The Ethics Board shall adopt and develop written Rules of Procedure which shall be submitted to the Common Council for approval. A copy of the Rules
of Procedure shall be filed with the City Clerk.

(b) As an alternative to obtaining an advisory opinion from the City Attorney as provided in §1.83, any person covered by this subchapter as provided in §1.73 may apply in writing to the Board for an advisory opinion regarding the propriety of any matter to which the person is or may become a party. The Board shall meet to review such a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests, therefore, shall be in writing and shall state all material facts. It shall be prima facie evidence of intent to comply with this subchapter when a person refers a matter to the Board and abides by the advisory opinion of the Board if the material facts are as stated in the opinion request. Meetings held by the Board for deliberation and action upon such application shall not be open to the public nor shall a Common Council member or the Mayor be authorized to attend any such meeting of the Board unless requested to do so by the Board. Advisory opinions rendered by the Board shall be in writing and shall state the material facts upon which the opinion is based. A record of the Board's opinions, opinion requests and investigations of violations shall be closed to public inspection as required by Chapter 19, Wis. Stats. Except as provided by §19.59(5)(b), Wis. Stats., the Board shall not make public the identity of any person requesting an advisory opinion or of persons or organizations mentioned in the opinion. If the Board determines that an advisory opinion rendered by the Board would be of significant value to other officials or employees, the Board may issue a summary of the opinion provided that the summary does not disclose the identity of the person originally requesting the advisory opinion. In all cases, the Board may request an advisory opinion from the City Attorney.

(c) All complaints alleging that an official or employee committed a violation of this subchapter shall be addressed to the Ethics Board and shall be filed with the City Clerk. All such complaints shall be in writing and verified and shall state the name of the official or employee alleged to have committed a violation of this subchapter and shall further state the evidentiary facts supporting the charge.

(d) Within 14 days after the filing of a properly verified complaint, with the City Clerk, the Board shall meet to review the complaint. Within three business days after its initial review of the complaint, the Board shall mail a copy of the Complaint to the respondent by certified mail.

(e) Following its initial review of a verified complaint, the Board may make a preliminary investigation with respect to each alleged violation of this subchapter. No preliminary investigation of an alleged violation of this subchapter may be initiated until a copy of the Complaint and notice of the Board's intent to investigate the charge has been mailed by certified mail to the respondent. The preliminary investigation shall be completed within 30 days after the date that the Complaint and notice thereof is mailed to the respondent except the Board may extend the investigation period for us to an additional 60 days with notice to the respondent and to the complainant.

(f) If, after its preliminary investigation, the Board finds that probable cause does not exist for believing that the respondent violated this subchapter, it shall dismiss the Complaint. The Board shall promptly notify the complainant and the respondent by certified mail of its decision dismissing the Complaint. The Board's decision to dismiss a complaint shall be final. The same complaint or a complaint which is substantially similar to the dismissed complaint shall not be reconsidered by the Board unless within 20 days of the Board's mailing of its Dismissal Order, the complainant files with the Board additional material facts which were not available to the complainant at the time the original Complaint was filed and which, if true, would probably change the Board's decision. The Board's decision to reconsider or not to reconsider a decision under this subsection shall be final. If the Board determines that a verified complaint was brought for harassment purposes, the Board shall so state in its decision.

(g) If, after its preliminary investigation, the Board finds that probable cause does exist for believing the allegations of the Complaint, it shall conduct a hearing on the matter. The hearing shall be held not more than 60 days after the Board's finding of probable cause. The Board shall give the respondent and complainant written notice of the hearing date by mailing a notice thereof to the respondent and to the complainant by first class mail at least 20 days prior to the hearing date thereof. The hearing shall be held in closed session
except that the respondent shall have a right to demand that the hearing be held in open session and, upon such demand, the Board shall conduct the hearing in open session.

(h) The chairperson of the Board shall preside over the proceedings and the City Attorney shall provide legal assistance to the Board as needed. The complainant and the respondent may be represented by an attorney and the respondent may also be represented by a union representative. Both parties may compel the attendance of witnesses by Subpoenas. Subpoenas may be issued by the Chairperson of the Board pursuant to §885.01, Wis. Stats. Each party shall be responsible for serving subpoenas on their respective witnesses and for paying any witness and mileage fees to the witness as required by the Wisconsin Statutes.

(i) All testimony of witnesses at the proceedings shall be given under oath, administered by the Chairperson in the form and manner prescribed by the Wisconsin Statutes. A record of the testimony may be made by stenographic, electronic or other recording method, as the Board determines. The record produced at the direction of the Board shall be the official record of the proceeding. The proceedings may be adjourned or continued by the Board from day to day until completed.

(j) The proceedings shall be conducted in the following order:

1. Statement of the issues and rules by the Chairperson.
2. Brief opinion statements, if any, by both sides.
3. Presentation of testimony and the introduction of evidence by the complainant to substantiate the charge.
4. Cross examination of witnesses by the respondent.
5. One additional opportunity to question witnesses by the complainant.
6. One additional opportunity to cross-examine witnesses by the respondent.
7. Presentation of the base for the respondent.
8. Repeat of steps (4), (5) and (6) regarding witnesses and evidence produced on behalf of the respondent.
9. Opportunity for each side to present evidence in rebuttal of any evidence presented by the opposing side.

10. Brief closing arguments, if any, by both sides.

(k) The Board shall not be bound by common law or statutory rules of evidence and the Board shall hear all evidence having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony or evidence. Basic principles of relevancy, materiality and probative force shall govern this proceeding. Hearsay evidence will not be permitted where direct evidence is reasonably available. The Board will not base crucial or essential evidentiary findings on hear-say evidence. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record. All evidence, including records and documents, shall be duly offered and made a part of the record. The Chairperson shall rule on any objections or procedural matters. Any member of the Board and the City Attorney may ask questions of the witnesses. No party or witness shall be permitted to ask questions of any Board member during the proceedings, unless expressly authorized by the Chairperson.

(l) Within 10 working days of the conclusion of the hearing, the Board shall file its written Findings of Fact, Conclusions of Law and Recommendations signed by a majority of the participating members and concerning the propriety of the conduct of the respondent. Any member of the Board may indicate his/her dissent to the written Order. If the Board determines that no violation of the Code of Ethics has occurred, it shall dismiss the Complaint, and if requested to do so by the respondent, the Board shall issue a public statement in that regard. If the Board finds that clear, satisfactory and convincing evidence exists for believing the allegations of the Complaint, the Board shall refer its findings, conclusions and recommendation to the Common Council or to other property City Authority, and/or, in the case of an employee, to the City Administrator and/or the Mayor as deemed appropriate. In its recommendation, the Board may recommend that the Common Council order the official or employee to conform his or her conduct to the Ethics Code or recommend that the official or employee be cautioned, censured, suspended, removed from office, issued a private reprimand, public reprimand, and, in the case of an employee, may also recommend denial of a merit increase, suspension without pay, discharge, or other appropriate disciplinary action. In appropriate cases, the Board may
recommend the referral of the matter to the District Attorney to commence enforcement proceedings pursuant to the procedures and remedies of §19.59, Wis. Stats.

(m) Records obtained or prepared by the Board in connection with an investigation of a violation of this subchapter shall not be open for public inspection, except that the Board shall permit public inspection of records of a hearing conducted in open session pursuant to the requests of the respondent as provided in subsection (g) hereof. Whenever the Board refers an investigation and hearings record to a District Attorney, the District Attorney may make public such records in the course of a prosecution initiated thereon.

(n) The time frames set forth in this subchapter specifying Board action are not jurisdictional and the Board may, where appropriate, extend any time period as necessary.

(o) The Board may make recommendations to the Common Council with respect to amendments to this subchapter.

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

1.86 CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS (2309 08/11/2009, 2395 05/28/2013, 2472 10/24/2017)

(1) The proper operation of democratic government requires that public officials be independent, impartial, and responsible to the people; that decisions and policy be made in the best interests of the people, the community, and the government; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. In recognition of these goals, this Code of Conduct shall apply to all elected and appointed officials of the City of Baraboo. Nothing contained herein is intended to deny to any individual those rights granted by the United States Constitution, the constitution and laws of the State of Wisconsin. The purpose of this code is to establish a minimum standard of conduct to assist public officials in avoiding those acts or actions that are incompatible with the best interests of City government and the people of the City of Baraboo. Further, this Code provides the process by which determinations are made that public officials have acted in ways which are incompatible with the best interests of City government and of the people of the City of Baraboo. This Code of Conduct neither supplants the City of Baraboo Code of Ethics, nor supersedes State Laws relating to the conduct of public officials.

2. COUNCIL CONDUCT WITH ONE ANOTHER. Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may “agree to disagree” on contentious issues.

(a) In Public Meetings. Elected and appointed officials shall conform with the following standards in public meetings:

1. Practice civility and decorum in discussions and debate. Council members and members of committees shall not make personal, slanderous, threatening, or abusive comments. No shouting or physical actions that could be construed as threatening are allowed.

2. Honor the role of the Chair in maintaining order. Council members and members of committees shall honor the Chair in focusing discussion on current agenda items. Disagreements regarding the agenda or the Chair’s actions, shall be voiced politely and with reason, following procedures outlined in parliamentary procedure.

3. Release of Confidential Information Prohibited. Members of Council and committees have a duty to hold in strict confidence all information concerning matters dealt with in Closed Session. The release of any confidential information to third parties is prohibited, including but not limited to the release of records prohibited by §§19.35, 19.356, 19.36, Wis. Stats., or any other statutory or common law limitation on the release of records, and any document made available as a part of a closed session by the Council or committee. A Councilmember or a committee member shall not, either directly or indirectly release, make
public, or in any way divulge any such information, or any aspect of the closed session deliberations to anyone, unless expressly authorized by Council or required by law to do so;

(b) In Private Encounters. Elected and appointed officials shall conform with the following standards in private encounters with the public:

1. Continue respectful behavior in private. The same rules regarding respect and consideration of differing viewpoints and speakers applicable to meetings should be maintained in private conversations regarding City business.

2. Be aware that written notes, voicemail messages, and email may be public records. Written notes, voicemail messages and email are subject to the same rules regarding respect and consideration as would be applicable to conduct in public meetings and private encounters regarding City business. Such items shall be treated as public communications subject to the Wisconsin Open Records Law.

3. Applicability of City Harassment Policy. The City of Baraboo maintains a Harassment Policy. City elected and appointed officials are subject to this policy the same as City employees. Violations of the Harassment Policy by elected or appointed official may subject the City and its taxpayers to liability. Without limiting the generality of the foregoing, members of council and committees shall not engage in any of the following when directed at or to City officials, employees, contractors and their employees, and the general public while engaged in City business:

   Prohibited Activity (Sexual Harassment and Harassment)

   Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

   Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or

   Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

   Harassment is any verbal, written, visual, or physical act that creates a hostile, intimidating, or offensive work environment or interferes with an individual's job performance.

   No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person.

   Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, sex, religion, age, disability, marital status, sexual orientation, national origin, and other forms of discrimination prohibited by the Wisconsin Fair Employment Act. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by the City.

(3) COUNCIL CONDUCT WITH CITY STAFF. Governance of a City relies on the cooperative efforts of elected officials and committee members, who set policy, and City staff who implements and administers the Council's policies. Every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. Elected and appointed officials shall treat all staff as professionals.

(a) The following guidelines should apply for Council questions/inquiries to City staff:

1. General. Council and committee communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to questions posed outside of normal business hours should be expected no earlier than the next business day.

2. Requests for General Information and Inquiries. Council members and members of committees may
contact staff directly for information made readily available to the general public on a regular basis or for easily retrievable information not routinely requested by the general public. Under these circumstances staff shall treat the Council members and members of committees no differently than they would the general public, and the Council members and members of committees shall not use their status to secure preferential treatment.

3. Non-Routine Requests Requiring Special Effort. Any Council members and members of committees requests or inquiries that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the City Administrator, or to the City Attorney, as appropriate. The City Administrator (or City Attorney as appropriate) shall be responsible for distributing such requests for follow-up and shall review them for potential conflicts of interest. Advisory Legal Opinions from the City Attorney may be requested pursuant to §1.83, Ordinances.

4. Public Safety and Personnel Restrictions. Requests for information regarding personnel or Police Department actions are legally restricted. It is the policy of the City of Baraboo to adhere to confidentiality with all applicable legal authorities governing the release of personnel information, law enforcement, and other public records. Council members and members of committees shall not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

(b) Council members and members of committees shall not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits, when the Council members or members of committees may have a conflict of interest. Such attempts may violate the criminal laws of the State of Wisconsin and thereafter result in prosecution by the District Attorney.

(c) Check with City staff on correspondence before taking action. Before sending correspondence, Council members and members of committees shall check with City staff to see if an official City response has already been sent or is in progress.

(d) Limit requests for staff support. Routine secretarial, exchange server support for public email accounts, and consultative support will be provided to all Council members and members of committees. Requests for additional staff support – even in high priority or emergency situations – shall be made to the City Administrator.

(e) Do not solicit political support from staff. Council members and members of committees shall not solicit any type of political support (financial contributions, display of posters or lawn signs, name on nomination petitions, etc.) from City staff at the workplace or during work hours.

4) COUNCIL CONDUCT WITH THE PUBLIC.

(a) In Public Meetings. No signs of bias, prejudice or disrespect should be evident on the part of individual Council members and members of committees toward an individual participating in a public forum. All efforts shall be made to be fair and impartial in listening to public testimony.

1. Public speakers shall be treated with respect.

2. Ask for clarification, but do not debate and argue with the public. Only the Chair – not individual Council members and members of committees – may interrupt a speaker during a presentation. A speaker shall never be belligerently challenged or belittled. Council members and members of committees’ personal opinions or inclinations about upcoming votes shall not be revealed until after the public hearing is closed.

3. No personal attacks of any kind, under any circumstance. Council members and members of committees shall be respectful of
all speakers before them, and shall not be intimidating.

(b) **In Unofficial Settings.** Elected and appointed officials shall:

1. Make no promises on behalf of the Council, and shall not overtly or implicitly promise Council action, or promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

2. Members of Council and committees shall accurately communicate the attitudes and decisions of the Council or committee, even if they disagree with Council's or the committee's decision, such that respect for the decision-making processes is fostered.

(5) **COUNCIL CONDUCT WITH OTHER PUBLIC AGENCIES.** In dealing with other public agencies, bodies and commissions, elected and appointed officials shall:

(a) Be clear about representing the city or personal interests. If a Council members or members of committees appears before another governmental agency or organization to give a statement on an issue, Council members and members of committees must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the Council. If the Council members and members of committees are representing the City, the Council members and members of committees must support and advocate the official City position on an issue, not a personal viewpoint. [See Baraboo Code of Ethics, §§1.70-1.85, Ordinances.]

(b) Correspondence must be equally clear about representation. City letterhead may be used when the Council members or a committees chair is representing the City and the City's official position. A copy of official correspondence shall be given to the City Clerk as part of the permanent public record. City letterhead shall not be used for personal correspondence of Council members or other public officials or representatives. Council members and committee chairs may use City letterhead for correspondence sent in an official capacity regarding an issue the City is involved in.

(6) **COUNCIL CONDUCT WITH BOARDS AND COMMISSIONS.** The City has established several Committees and Commissions as a means of gathering more community input and the more in depth examination of issues affecting the City. Citizens who serve on Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City’s leadership and should be treated with respect.

(a) If attending a Board or Commission meeting, be careful to only express personal opinions. Council members may attend any Committee or Commission meeting. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Council member at a Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

(b) Limit contact with Committee and Commission members to questions of clarification. It is inappropriate for a Council members to contact a Committee or Commission member to lobby on behalf of an individual, business or developer in circumstances when the Conflicts of Interest rules apply. (See §1.77, Ordinances). It is acceptable for Council members to contact Committee or Commission members in order to clarify a position taken by the Board or Commission.

(c) Committees and Commissions serve the community, not individual Council members. The Mayor or City Council appoints individuals to serve on Committees and Commissions, and it is the responsibility of Committees and Commissions to follow policy established by the Council. Committee and Commission members do not report to individual Council members, nor do Council members have the power or right to threaten Committee and Commission members with removal if they disagree about an issue. A Committee or Commission appointment shall not be used as a political "reward."

(d) Be respectful of diverse opinions. A primary role of Committees and Commissions is to represent many points of view in the community and to provide
the Council with advice based on a full spectrum of concerns and perspectives. Council members may have a closer working relationship with some individuals serving on Committees and Commissions, but must be fair and respectful of all citizens serving on Committees and Commissions.

(e) Keep political support away from public forums. Committee and Commission members may offer political support to Council members, but not in a public forum while conducting official duties. Conversely, Council members may support Committee and Commission members who are running for office, but not in an official forum in their capacity as a Council members and members of committees.

(7) COUNCIL CONDUCT WITH THE MEDIA. The Mayor is the official spokesperson and representative on City positions. The Mayor shall be the designated representative of the Council to present and speak on the official City position. If individual Council members or members of a committee are contacted by the media, the Councilmember or member of a committee shall, to the fullest reasonable extent possible, be clear about whether their comments represent the official City position or a personal viewpoint.

(8) ALCOHOL AND OTHER INTOXICANTS. Elected and appointed officials shall not engage in any official duties while under the influence of alcohol, an intoxicant, a controlled substance, a controlled substance analog, or any combination of substances, to a degree which renders them incapable of exercising sound judgment in their official duties.

(9) VIOLATIONS OF CRIMINAL LAW. It is a violation of the ethical standards of the City of Baraboo for a Councilmember or member of a committee to engage in violations of criminal law. A violation of criminal law occurs when, during their term of office, there is a guilty plea or plea of no contest to the criminal laws of any state or the United States or the ordinances of any municipality substantially conforming to a criminal statute.

(10) SANCTIONS. Should there be an issue regarding whether a violation to this Code of Conduct has occurred, Council members and members of committees may consult with the City Attorney informally, or pursuant to §1.86, Ordinances, to seek guidance regarding the alleged behavior. Council members and members of committees should point out to offending members infractions of the Code of Ethics or Code of Conduct. If offenses continue, the matter should be referred to the Mayor, or the Common Council president in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Council President.

The Mayor, or Council President, may privately address any conduct concern with Council members or committee members, including but not limited to: discussing and counseling the individual on the violations, referring the matter to the Ethics Board for consideration, or recommending sanction to the full Council to consider in a public meeting. Nothing in this section shall act to limit or restrict the right of any official or citizen to refer a matter to the Ethics Board pursuant to the procedures established in §1.84, Ordinances.

The Mayor and all Council members may initiate action by referral of the matter to the Ethics Board if a Council members or committee member's behavior may warrant sanction. City Council members and members of committees who intentionally fail to follow proper conduct may be reprimanded or formally censured by the Council, lose committee assignments, or have official travel restricted. Serious infractions of the Code of Ethics or Code of Conduct are neglect of duty and may lead to removal from office for cause, pursuant to §§17.12(1)(a), and 62.11(3), Wisconsin Statutes.

1.87 to 1.89 Reserved

GENERAL GOVERNMENT – FEE SCHEDULE

SUBCHAPTER VI: OFFICIAL CITY OF BARABOO FEE SCHEDULE (2040 12/29/2000)

1.90 OFFICIAL CITY OF BARABOO FEE SCHEDULE – The “Official City of Baraboo Fee Schedule dated January 1, 1999”, is hereby adopted. The Common Council shall be authorized to amend the Official Fee Schedule by resolution, and, upon such amendment, the Updated Official Fee Schedule shall be deemed adopted.

The Official City of Baraboo Fee Schedule is set forth as an Appendix to Chapter I and can be found at the end of this Chapter.
CHAPTER 2

COMMON COUNCIL

2.01 Composition

(1) The Mayor and 9 Aldermen shall constitute the Council. (See §1.02 of this Code.)

(2) The Mayor shall be the chief executive officer of the City. He shall have the powers and duties prescribed in Ch. 62, Wis. Stats., and applicable sections of the Wisconsin Statutes.

(3) The regular terms of office of the Mayor and the Aldermen shall commence on the third Tuesday of April in the year of their election.

(4) The Council shall be the judge of the election and qualification of its members, may compel their attendance, and may fine or expel members for neglect of duty. (See §62.11(3), Wis. Stats.)

(5) The Council shall adopt the proper rules of procedure as necessary and shall have such duties and powers as are provided by State law and this Code.

(6) At its first meeting subsequent to the regular election and qualification of new members, the Council shall, after organization, choose from its members a President, who, in the absence of the Mayor, shall preside at meetings of the Council and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor. When the Mayor and President are absent or unable to perform the powers and duties of the office of Mayor at the same time, the next most senior member of the Common Council, based upon consecutive terms of office, shall preside at meetings of the Council and shall have the power and duties of the Mayor. Any person when so officiating shall be styled "Acting Mayor." No person officiating as Acting Mayor shall have the power to approve an act of the Council that the Mayor has disapproved by filing objections with the Clerk.

2.02 Council Meetings

(1) ANNUAL ORGANIZATIONAL MEETING. The Council shall meet annually on the third Tuesday of April for the purpose of organization.

(2) REGULAR MEETINGS. The regular meetings of the Council shall be held in the Council Room in the City Hall on the second and fourth Tuesdays of each month at 7:00 P.M., except that when the day for holding any regular meeting shall be a legal holiday, the regular meeting shall be held on the next following secular day at the same place and hour, unless otherwise determined by the Council. (1883 09/10/96)

(3) SPECIAL MEETINGS.

(a) Special meetings of the Council may be called by the Mayor, or in his absence the Acting Mayor, at such time as he may appoint, by written notice of the purpose and time thereof to each member delivered to him personally or left at his usual place of abode, at least 6 hours before the meeting.

(b) Upon petition of 3 or more of the members of the Council, the Mayor, or in his absence, the Acting Mayor, shall call a special meeting of the Council.

(c) In addition to all other notice requirements, the requirement of sub. (5) below shall be complied with.
(4) ADJOURNMENTS. Any regular or special meeting may be adjourned by a majority of the members present, but no adjournment shall be made to a time later than the next regular meeting.

(5) OPEN MEETINGS. Except as provided in §19.85, Wis. Stats., all meetings of the Council or of any City Board, Commission, Committee, or otherwise designated formally constituted sub-unit of City government shall be open sessions as defined by §19.82, Wis. Stats. Pursuant to §19.84, Wis. Stats., notice of all meetings shall be given as to time, place and subject matter not less than 24 hours prior to the commencement of such meetings unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no event less than 2 hours in advance of the meeting. In addition, such notice shall be posted for a like period on the City Hall bulletin board. The subject matter of all closed sessions shall be announced by the Mayor and a roll call vote taken on the motion to go into closed session so as to comply with the requirements of §19.85, Wis. Stats.

(6) ATTENDANCE BY CITY OFFICIALS. Unless excused by the Mayor, the City Administrator, City Attorney, City Clerk, City Engineer, and the Chief of Police or their designated representatives shall be required to attend all regular meetings of the Council. Other Department Heads and City officers and officials shall attend Council meetings when requested by the Mayor or a member of the Council. (1938 05/26/98, 2033 11/14/2000)

(7) CALL TO ORDER. The Mayor, or in his absence the Acting Mayor, shall promptly call each meeting of the Council to order at the hour fixed for the holding of such meeting.

2.03 CONDUCT OF MEETINGS.

(1) CALL TO ORDER. The Mayor shall be the presiding officer and shall call the meeting to order at the appointed hour. In the absence of the Mayor, the President of the Council shall preside and if he is absent, the Acting Mayor shall preside. In the absence of the City Clerk, the Mayor shall appoint a clerk for the meeting.

(2) ROLL CALL. After the presiding officer calls the meeting to order, the Clerk shall call the roll, to be followed by the Pledge of Allegiance.

(3) ORDER OF BUSINESS. At all meetings, the following order shall be observed in disposing of business before the Council unless otherwise provided in the furnished agenda: (1807 04/18/95, 1875 08/13/96)

(a) Call to order.
(b) Roll call and pledge of allegiance.
(c) Approval of previous Minutes.
(d) Approval of Agenda.
(e) Compliance with Open Meeting Law.
(f) Presentations.
(g) Public hearings.
(h) Public invited to speak.
(i) Mayor's business.
(j) Consent Agenda.
(k) Unfinished business.
(l) New business.
(m) Appointments.
(n) Committee of the Whole.
(o) City Administrator comments.
(p) Mayor and Council comments.
(q) Reports, petitions and correspondence.
(r) Information items.
(s) Closed session.
(t) Open session.
(u) Adjournment.

(4) BUSINESS TAKEN IN ORDER; EXCEPTION. No business shall be taken up out of said order except by either unanimous consent and without debate or by 2/3rds vote under suspension of the rules as provided in §2.04(20) of this chapter.

(5) CONSENT AGENDA.

(a) The City Clerk, subject to approval of the Mayor, shall place on the consent agenda items that in his judgment are routine and non-controversial. No separate discussion or debate on matters included in the consent agenda shall be permitted. A single motion, seconded and adopted by a majority vote of the members shall be sufficient to approve, adopt, enact or otherwise favorably resolve any matter listed on the consent agenda without separate reading or discussion thereof.

(b) When the consent agenda is reached, any member may request removal of any item from the consent agenda and such item shall be removed without debate or vote. Any item or part thereof removed from the consent agenda shall be separately considered at the appropriate time in the Council's regular order of business. Any member wishing to remove an item from the consent agenda shall request such removal when the agenda is considered as an order of business.

2.04 STANDING RULES. The standing rules for the government of the Council shall be as follows:
(1) ADJOURNMENT OF REGULAR MEETINGS.

(a) If the business of the Council is not completed at 11:30 P.M., the meeting shall recess automatically to the next regularly scheduled meeting time, unless the Council shall establish, by a majority vote, a later time for adjournment or recess of the meeting. Provided, however, that the presiding officer shall recognize any Alderman who wishes to move for a later time of adjournment or recess of the meeting.

(b) The Council shall automatically consider at 11:30 P.M., as a special order of business, a motion to adjourn. The motion to adjourn shall be made by the President of the Council, seconded by the senior member of the Council. All agenda items not dealt with before the motion to adjourn regular meetings shall be automatically referred to the next regular meeting of the Council, unless the time for adjournment has been extended by par. (a) above.

(2) INTRODUCTION OF BUSINESS.

(a) All ordinances, resolutions, memorials or other communications shall be in writing with a brief statement of their contents endorsed thereon, together with the name of the member presenting the same and shall be delivered to the Clerk and entered on the minutes. The Mayor shall refer the ordinance, resolution or communication to the appropriate Committee or to the appropriate place on the agenda. The Committee to which any matter shall be referred shall report thereon in writing no later than the second regular meeting after such reference, unless there is no objection by the Council to further time being taken.

(b) Prior to action by the Council, all ordinances and resolutions shall be reviewed by the City Administrator, or his/her designee, for fiscal impact and, to the extent required herein, each ordinance or resolution requiring the expenditure of City funds shall include a statement detailing whether or not the expenditure has been approved in the current year budget, and the account number and/or title of the funding source of the expenditure. Whenever an ordinance or resolution does not require a fiscal note under this subsection, a statement of no fiscal impact shall be attached thereto. No fiscal impact statement shall be required when the fiscal impact will be for a budgeted expenditure of less than $3,000.00, or when the sole fiscal impact will be for budgeted compensation to City personnel and/or officers. The Finance Committee shall be authorized to approve the format for providing fiscal information under this subsection. (1860 03/26/96)

(c) Once an item on the agenda is read into the record, it is open for discussion. The Mayor may ask for a staff presentation on the item, or for any Council questions or comments. The Council may discuss such item prior to any motion being on the floor. (1767 08/09/94)

(d) All ordinances and resolutions appropriating money or creating any charge against the City other than the payment of claims for appropriations previously authorized by the Council shall require for their passage or adoption approval by 2/3 vote of the entire membership of the Council. A roll call vote shall be taken and recorded on all such appropriations. (See §66.042(7), Wis. Stats.)

(e) Unless otherwise provided in these rules, no ordinance or resolution, having once been defeated, may again be introduced in the same or in substantially similar form until the expiration of 30 days from the date when such ordinance or resolution was defeated. (See sub. (10) below.)

(f) The substance of the official action to be taken pursuant to all resolutions or ordinances offered for adoption shall be read by the City Clerk or the Clerk's designee. However, the presiding officer may direct that a resolution or ordinance be read by title only. Any Council member may request prior to or at the time a resolution or ordinance is offered to have the resolution or ordinance read in full and such request shall be granted without debate or vote. An ordinance offered for adoption at its second reading shall be read by title only unless a Council member
requests that the ordinance be read in full and such request shall also be granted without debate or vote. (1837 11/28/95)

(3) QUESTIONS OF ORDER. The presiding officer shall decide all questions of order, subject to an appeal to the Council. No appeal shall be debatable and the appeal may be sustained by a majority of the members.

(4) PRESIDING OFFICER TO PRESERVE ORDER. It shall be the duty of the presiding officer to preserve decorum. If any member transgresses the rules of the Council, the presiding officer shall, or any member may, call such offending member to order, in which case the member called to order shall immediately be silent, unless permitted to explain, and the Council, if appealed to, shall decide the matter. If any member is not recognized by the presiding officer, he may appeal to the Council to be heard and the Council shall decide, by a majority vote, whether the member shall be heard.

(5) VACATION OF THE CHAIR. The presiding officer shall vacate the chair and designate a member to preside temporarily whenever he desires to make any motion. Provided, however, the presiding officer shall, from time to time, give the Council such information and recommend such measures as he may deem advantageous to the City. (See §62.09(8)(b), Wis. Stats.)

(6) MOTIONS.
   (a) When a motion is made and seconded, it shall be deemed to be in the possession of the Council and shall be stated by the presiding officer, or being in writing shall be delivered to the Clerk and read by him before debate begins.
   (b) Unless otherwise provided in these rules, the rules of order pertaining to motions shall be according to Robert's Rules of Order, Revised.

(7) DIVISION OF QUESTION. Any member may call for a division of the question when the same will admit thereof and such division shall be made by the chair and a separate vote shall be taken on each division.

(8) DEBATE.
   (a) No member shall address the Council until he has been recognized by the presiding officer. When a member wishes to speak to a question or make a motion, he shall respectfully address the presiding officer. No member shall address the Council until he has been recognized by the presiding officer. When 2 or more members desire to address the presiding officer at the same time, the presiding officer shall designate the member who shall have the right to speak first. The presiding officer's determination on who shall speak first under this subsection shall be final.
   (b) No member shall speak more than a total of 10 minutes on any question unless the Council, by a majority vote, shall grant an extension of time for a member to speak.
   (c) When a question is under discussion, no action shall be in order except to adjourn, to lay on the table, to postpone to a certain day, to refer to a Committee, to amend, or to postpone indefinitely. All such motions shall have precedence in the order listed.
   (d) Any member wishing to terminate debate on a question may move to put the question before the Council. The presiding officer shall then state that the previous question has been moved and a vote shall be taken on whether the question shall be put to a vote. If a majority of the members vote in the affirmative, debate shall be terminated and the presiding officer shall then clearly state the question before the Council. The Council shall vote first upon pending amendments and then upon the main question.

(9) VOTING.
   (a) Two-thirds of the members of the Council shall be a quorum. A lesser number than a quorum may compel the attendance of absent members and may adjourn. A majority of all the members shall be necessary for a confirmation on all questions. In case of a tie the Mayor shall have a casting vote. When the Mayor does vote in case of a tie, his vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. The Mayor shall not be counted in determining whether a quorum is present at a meeting. (See §62.11, Wis. Stats.)
(b) Unless a roll call vote is requested by a Common Council member, a voice vote shall be taken and recorded by the Clerk for the approval of minutes, approval of the agenda, approval of mayoral appointments and adjournment. All other questions before the Council shall be determined by the ayes and noes taken and recorded by roll call. While the Clerk is calling the roll on a roll call vote, each member shall vote inside the bar of the Council and it shall not be in order for any member to explain his/her vote during such call. On confirmation and on adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City, or any fund thereof, the vote shall be by ayes and noes. The Clerk shall progress one name on the Council roster when beginning each roll call vote. (1876 08/13/96)

(c) All laws, ordinances, rules, resolutions and motions shall be passed by an affirmative vote of a majority of all the members of the Council unless an extraordinary vote is otherwise required.

(d) A member shall have the right to change his vote up to the time the vote is finally announced. After that, he can make the change only by permission of the Council, which may be given by general consent; that is, by no member objecting when the presiding officer inquires if anyone objects. If objection is made, a motion may be made to grant the permission which motion shall be un-debatable. It shall be the duty of every member to express his opinion on a question by voting thereon; however, no member can be compelled to vote.

(e) The Mayor shall have the veto power as to all acts of the Council, except such as to which it is expressly or by necessary implication otherwise provided by Wisconsin law. All acts of the Council shall be submitted to the Mayor by the Clerk and shall be enforced upon approval evidenced by the Mayor's signature or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the Clerk. If the Mayor disapproves, the Mayor's objection shall be filed with the Clerk, who shall present them to the Council at the next meeting. A 2/3 vote of all the members of the Council shall then be required to make the act effective notwithstanding the objections of the Mayor. If the last day for exercising a veto falls on a Sunday or a holiday, the Mayor may exercise a veto on the next succeeding secular day.

(10) RECONSIDERATION. It shall be in order for any member who voted in the affirmative on any question which was adopted, or for any member who voted in the negative when the vote is evenly divided, or for any member who voted in the negative when the number of affirmative votes was insufficient for adoption, to move a reconsideration of such vote at the same or next succeeding regular meeting of the Council. A new Council member shall succeed to the voting position of his predecessor. A motion to reconsider shall not be in order when the same result can be obtained by another motion.

(11) PROTEST OF COUNCIL ACTION. Any member shall have the right to have the reasons for his dissent from or protest against any action of the Council entered on the minutes.

(12) ORDINANCES. No ordinance shall be adopted until the same shall have been read by title only at two consecutive meetings of the Council, provided, however, that this rule may be suspended and the ordinance may be passed to its second reading at the same meeting by unanimous consent of the Council. An ordinance shall be read in its entirety if the Mayor or an Alderperson so requests. Following passage of any ordinance, the Clerk shall cause the same to be published in the official City newspaper, as provided by §62.11(4), Wis. Stats., unless the Council, by a majority vote, directs the Clerk to cause the ordinance to be published pursuant to §66.035, Wis. Stats. (1755 07/26/94)

(13) COUNCIL AGENDA.

(a) All reports, resolutions, ordinances or other written documents to be brought before the Council at its regular meeting shall be filed with the Clerk by 4:00 P.M. of the second Friday immediately preceding the regular Tuesday meeting, provided, however, subject to the Wisconsin Open Meeting Law requirements, any Council member or the Mayor shall
have the right to bring any resolution before the Council at a regular Council meeting. (1877 08/13/96, 2114 04/08/2003)

(b) A proposed agenda, together with relevant materials and communications, shall be prepared by the Clerk and delivered to the Mayor, the Common Council members, and City Officers who are required to attend regular meetings not later than 4 p.m. on the Wednesday prior to each regular Council meeting. A similar agenda shall be prepared and delivered for special meetings of the Council if time permits. No item may be acted on by the Council unless it is included in the agenda except by a 2/3rd vote of the members or by suspension of the rules as provided by sub. (20) below. The proposed agenda, together with relevant materials and communications, shall be available at the Clerk's office for inspection and copying by 4 p.m. on the Wednesday immediately preceding the regular Council meeting. The agenda and materials for a special Council meeting shall be available as soon as prepared and assembled by the Clerk. (2114 04/08/2003)

(c) Subject to the Wisconsin Open Meeting Law requirements, additions to or deletions from the proposed agenda may be made by the Clerk, the Council members, and/or by other City Officers upon request or approval of the Mayor until 12 noon of the date of the Council meeting, and any items submitted after 12 noon may be included on the agenda if approved by a majority of the members as here after provided. Materials not previously delivered to the Mayor, the Council members, and City Officers required to attend regular meetings shall be made available for pickup at the Clerk's office until 4 p.m. on the day of the Council meeting and shall be available at the meeting place of the Council one-half hour prior to the start of the meeting. (2114 04/08/2003)

(d) The proposed agenda shall be subject to approval of the Council by majority vote of the members.

(14) CONSENT AGENDA. See §2.03(5) of this chapter.

(15) COMMITTEE OF THE WHOLE. The Council may, by majority vote, at any regular or special meeting in the regular order of business, as provided in §2.03(3) of this chapter, resolve itself into a Committee of the Whole. Resolving into Committee of the Whole as a special order of business other than in the regular order of business shall require unanimous consent of those present at the meeting. Standing rules of the Council, as provided in this section, shall not apply when the Council has resolved into the Committee of the Whole. Actions or votes of any kind taken by the Council acting as a Committee of the Whole shall be deemed advisory only and shall not authorize any official act by any officer, employee, agent or representative of the City. The Mayor shall preside over the Committee of the Whole. The Council may not finally adjourn any meeting or conduct an executive session in the Committee of the Whole.

(16) CITIZENS' RIGHTS TO ADDRESS COUNCIL.

(a) Any citizen shall have the right to speak on any item of business that is on the agenda for Council action if he is recognized by the presiding officer. Speakers may be limited in length of address by majority vote of the Council; otherwise, the presiding officer shall determine the length of time that a citizen may speak on a question. No citizen shall be permitted to speak on petitions, communications and reports when first introduced before the Council and which are scheduled to be referred to and reported back at a later meeting or which will be taken up at a later time in the regular meeting.

(b) No person, except members and officers of the Council, shall be allowed to come within the bar of the Council during the session of the Council without the permission of the presiding officer.

(17) PUBLIC HEARINGS. In conducting a public hearing, the Council shall allow all interested parties an opportunity to speak on the subject matter of the hearing. At the beginning of a public hearing, the presiding officer shall request all speakers to remain in the Council chambers until the conclusion of the public hearing so that each speaker will be available for questioning by the Council members. Public hearings
shall be conducted by first allowing those citizens to speak who are against the question. Each side shall be given an opportunity to rebut new evidence presented by the opposing side.

(18) ROBERT’S RULES OF ORDER TO GOVERN. In the absence of a special ordinance or State statute, the Council shall be governed by Robert’s Rules of Order, Revised.

(19) BUSINESS AT SPECIAL MEETINGS. At special meetings of the Council, no business shall be transacted but for which the meeting shall have been called, unless by a 2/3rd vote of the members.

(20) SUSPENSION OF RULES.

(a) Except as otherwise provided by law or this chapter, 2/3rd of the members shall be required to suspend, alter or modify any of the rules in this section.

(b) When a member moves a suspension of the rules, he shall be required to state the particular standing rule to which the motion is addressed. The presiding officer shall then put the question, "Is there any objection to the suspension of the rules in accordance with the motion?" An objection voiced to suspension of the rules by one member shall require a roll call on the motion for suspension. If no such objection is made, the Clerk shall record a unanimous consent to the suspension and the presiding officer shall then proceed to state the principal questions.

(21) RECORDING OF COUNCIL MEETINGS. All regular meetings of the Council shall be recorded electronically. These recordings shall be considered public records and subject to inspection by request, as provided by law.

(22) DISTURBANCES AND DISORDERLY CONDUCT. Whenever any disturbance or disorderly conduct occurs in any meeting of the Council, the presiding officer may cause the room to be cleared of all persons guilty of such disorderly conduct, except the Council members. If any Council member is guilty of disorderly conduct, the presiding officer may order the police to take the member into custody for the time being or until the meeting adjourns. Such member may appeal from such order to the Council as in other cases.

(23) FAILURE TO OBSERVE RULES NOT A WAIVER. The failure to observe or enforce the standing rules under this section shall not constitute nor be deemed to waiver of the future enforcement of the rules.

(24) PAYMENT OF CLAIMS. See §3.08 of this Code.

2.05 STANDING COMMITTEES (1789 03/14/95)

(1) APPOINTMENT. The following Standing Committees shall be appointed by the Mayor at the organizational meeting of the Council each year:

(a) Personnel/Finance Committee.
(b) Public Safety Committee.
(c) Administrative Committee.

In addition to the above Standing Committees, Special Committees may be appointed from time to time concerning special matters of interest or importance to the City. All Special Committees shall be appointed by the Mayor unless otherwise directed by the Council.

(2) COMPOSITION OF COMMITTEES. Each committee shall consist of three Alder-persons, and the chairperson of each committee shall be designated by the Mayor.

(3) JURISDICTION OF COMMITTEES.

(a) Finance/Personnel Committee. The Finance/Personnel Committee shall advise the Common Council on all matters dealing with finance, bond issues, regulation of rates and fees, except where these are directly administered by other Boards and Commissions, audits, insurance, personnel relations, pay plans and policies, and any duties assigned by the Council. The Finance/Personnel Committee shall further review and advise the Common Council on matters involving the purchase of real property and personal property by the City and on matters involving the sale or conveyance of real property owned by the City. The Finance/Personnel Committee shall further review and advise the Common Council on matters involving transportation issues and taxis, and shall administer the Urban Mass Transit Operating Assistance Program. This Committee supersedes and replaces the Committees formerly known as the Finance Committee and Personnel Committee and this Committee shall assume jurisdiction and responsibility over all matters assigned or delegated to the Finance Committee or Personnel Committee in other provisions of this Code or by duly adopted and approved resolutions, policies, and contracts of the
(b) **Public Safety Committee.** The Public Safety Committee shall advise the Common Council on all matters dealing with streets, sidewalks, alleys, storm drains, drainageways, sewers, traffic and parking matters, health and safety issues, nuisances, and any other duties assigned by the Council. Additionally, the Public Safety Committee shall serve in an oversight capacity with respect to matters concerning police and fire operations, except where such matters are the direct responsibility of the Police and Fire Commission. It shall be the duty of this committee, under the direction of the Council, to keep the streets, sidewalks, alleys, sewers, storm drains, and drainage ways, and related public works in repair. This Committee supersedes and replaces the Committees formerly known as the Traffic Committee, Health & Welfare Committee, and Public Works Committee and this Committee shall assume jurisdiction and responsibility over all matters assigned or delegated to the Traffic Committee, Health & Welfare Committee, and Public Works Committee in other provisions of this Code or by duly adopted and approved resolutions, policies, and contracts of the City. (2033 11/14/2000; 2343 08/24/2010)

(c) **Administrative Committee.** The Administrative Committee shall advise the Common Council on all matters dealing with the maintenance and upkeep of all City property except property directly administered by other boards and commissions, the review of license applications, except those licenses administered by other Boards, Commissions and City staff, the review of proposed legislation not directly involving other Boards, Commissions or Committees and advising City staff regarding response to legislative matters, relationships with other governmental entities, such as the Ambulance District, School District, Legislature, etc., and any duties assigned by the Council. This Committee shall review and advise the Common Council on matters involving the sale of City owned personal property. Except where specific jurisdiction and responsibility has been assigned in this section to another committee, this Committee shall serve as a liaison to the Library Board, Parks and Recreation Commission, Community Development Authority, Police & Fire Commission, Baraboo Ambulance District Commission, Airport Commission, U.W. Baraboo Campus Commission, City Attorney and City Assessor. This Committee supersedes and replaces the Committees formerly known as the Property Committee and License & Ordinance Committee and this Committee shall assume jurisdiction and responsibility over all matters assigned or delegated to the Property Committee or License & Ordinance Committee in other provisions of this Code or by duly adopted and approved resolutions, policies and contracts of the City. (1942 07/28/98)

(4) COMMITTEE REPORTS. All Committee reports shall be prepared by the City Clerk. The Clerk shall provide copies of such reports to Council members by the close of the work day on the Friday preceding the regular Council meeting.

(5) CALLING COMMITTEE MEETINGS. The Mayor, City Administrator, or Chairperson of a committee may call a committee meeting at such time as he/she may designate by reasonable advance written notice to each committee member.

2.06 **SPECIAL COMMITTEES.** In addition to the standing Committees, special committees may be appointed from time to time to deal with special matters of interest to the City. All such committees shall be appointed by the Mayor unless otherwise directed by the Council.

2.07 **EXPENSE ALLOWANCES FOR ALDERPERSON AND MAYOR FOR ATTENDING MEETINGS.** (1788 3/13/95)

(1) EXPENSE ALLOWANCES FOR ATTENDING MEETINGS. Except as provided in §2.08, Alderpersons or the Mayor who are members of a Standing or Special Committee of the Council shall not be paid an expense allowance for attending any meeting of these committees. Alderpersons or the Mayor who are regular members of any of the Boards or Commissions enumerated in Subchapter II of Chapter 1 of this Code shall be paid an expense allowance of $15 for each meeting attended except that the expense allowance for attending Board of Review shall be $30 per day. The maximum per diem expense allowance to be received by any Alderperson or the Mayor for attending meetings of a City Board or Commission shall be $30.00 regardless of the number of different meetings or hours involved. (1686 04/21/93)
(2) CHAIRPERSON RESPONSIBILITY. The Chairperson of each City Board or Commission shall be responsible for maintaining an attendance record for each meeting. The Chairperson shall deliver the attendance record to the City Clerk at the end of each month. The City Clerk shall determine from the attendance record the entitlement of any Alderperson or the Mayor to an expense allowance under this section.

2.08 SALARY FOR MAYOR AND ALDERPERSONS.

(1) MAYOR'S SALARY AND EXPENSE ALLOWANCE. The Mayor shall receive a base salary of $10,000.00 per year. (1711 12/21/1993; 1686 04/21/1993; 1639 01/28/1992; 1556 01/23/1990; 1484 12/08/1987; Reso. 95-182 11/14/1995; 2349 11/09/2010)

(2) ALDERPERSON'S SALARY. Each Alderperson shall receive a base salary of $100 per month, plus an expense allowance of $150 per month for attending meetings of any Standing or Special Committee of the Council, regardless of the number of meetings or hours involved. In addition, where an Alderperson is a regular member of any of the Boards or Commissions enumerated in Subchapter II of Chapter 1 of this Code and attends a meeting of such Board or Commission, the Alderperson shall be paid the expense allowance provided in §2.07(1) of this Code. Each Alderperson shall further receive $600 per year as a general expense allowance, plus such additional expenses or per diem allowances as are specifically authorized by this Code or by resolution of the Common Council. (1686 04/21/93, 1598 04/09/91, 1597 04/09/91, 1527 12/13/88, 1788 03/14/95, 2212 10/25/2005)

2.09 TERM OF ALDERPERSON APPOINTMENT TO BOARDS, COMMISSIONS, OR COMMITTEES –
Whenever a member of the Common Council is appointed to a board, commission, or committee based upon his/her alderperson position, such appointment term shall expire automatically on the third Tuesday in April of each year or at such time as said person is no longer a member of the Common Council, whichever occurs first. (2061, 07/10/2001)
3.01 Preparation of Tax Roll, Receipts and Statements

(1) AGGREGATE TAX STATED ON ROLL. Pursuant to §70.65(2), Wis. Stats., the City Clerk shall, in computing the tax roll, insert only the aggregate amount of State, County, school and local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied, or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied.

(2) UNIFORM TAX BILLS AND RECEIPTS. The Clerk shall use uniform tax bills and receipts as prescribed by the Department of Revenue under §70.09(3)(a), Wis. Stats. Tax bills shall be mailed to tax payers and include all the information required by §70.665, Wis. Stats.

3.02 Duplicate Treasurer's Bond Eliminated

(1) BOND ELIMINATED. The City elects not to give the bond on the City Treasurer provided for by §70.67(1), Wis. Stats.

(2) CITY LIABLE FOR DEFAULT OF CITY TREASURER. Pursuant to §70.67(2), Wis. Stats., the City shall pay, if the Treasurer fails to do so, all State and County taxes required by law to be paid by such Treasurer to the County Treasurer.

3.03 Fiscal Year

The calendar year shall be the fiscal year.

3.04 Budget

3.01 PREPARATION OF TAX ROLL, RECEIPTS AND STATEMENTS

(1) AGGREGATE TAX STATED ON ROLL. Pursuant to §70.65(2), Wis. Stats., the City Clerk shall, in computing the tax roll, insert only the aggregate amount of State, County, school and local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied, or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied.

(2) UNIFORM TAX BILLS AND RECEIPTS. The Clerk shall use uniform tax bills and receipts as prescribed by the Department of Revenue under §70.09(3)(a), Wis. Stats. Tax bills shall be mailed to tax payers and include all the information required by §70.665, Wis. Stats.

3.02 DUPLICATE TREASURER'S BOND ELIMINATED

(1) BOND ELIMINATED. The City elects not to give the bond on the City Treasurer provided for by §70.67(1), Wis. Stats.

(2) CITY LIABLE FOR DEFAULT OF CITY TREASURER. Pursuant to §70.67(2), Wis. Stats., the City shall pay, if the Treasurer fails to do so, all State and County taxes required by law to be paid by such Treasurer to the County Treasurer.

3.03 FISCAL YEAR. The calendar year shall be the fiscal year.

3.04 BUDGET.
compared with appropriations for the current year.

2. An itemization of all anticipated income of the City from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal year.

3. An itemization of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.

4. Such other information as may be required by the Council and by State law.

(b) Copies for Citizens. The City shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.

3.08 APPROVAL OF CLAIMS.

(1) PAYMENT OF ACCOUNTS. Except as provided in sub. (2) below, Accounts on demand against the City shall be paid pursuant to S. 66.0609, Wis. Stats., approved by the City Clerk and reviewed and approved by the Finance Committee. The Council shall ratify the amounts of all approved accounts in total for each division of government (general fund, utility, etc.). The City Clerk shall keep on file the details of all claims in accordance with generally accepted accounting principles and the State Statutes for record preservation.

(2) PAYMENT OF REGULAR WAGES OR SALARIES. Regular wages or salaries of City officers and employees shall be paid by payroll, verified by the proper City officials in time for payment on the regular pay day. Upon approval of the Clerk, the Treasurer shall pay social security and withholding taxes, health and life insurance premiums, utility bills and contracted services.

3.09 Reserved.

3.10 PURCHASES. No equipment or supplies shall be purchased by any person unless previously budgeted. The one time purchase of equipment and supplies which cost of $3,000.00 or more shall be approved by the appropriate Committee and the Council; however, emergency purchases not to exceed $5,000.00 may be approved by the department head and the appropriate committee chairperson. (1861 03/26/96)

3.11 PAYMENT OF PROPERTY TAXES.

(1) REAL ESTATE TAXES. Pursuant to §74.11, Wis. Stats., real property taxes for the previous year shall be paid in full on or before January 31 or may be paid in semiannual payments, provided that the first is made on or before January 31 and that the second installment is made on or before July 31.

(2) PERSONAL PROPERTY TAXES; SPECIAL ASSESSMENTS. There shall be no installment payments allowed on personal property taxes or special assessments, the same being due and payable to the City Treasurer as provided in §74.11, Wis. Stats.

3.12 DELINQUENT PERSONAL PROPERTY TAXES. Pursuant to §74.47, Wis. Stats., the Council hereby imposes a penalty of 0.5% per month or fraction of a month, in addition to the interest imposed under §74.47, Wis. Stats., on any overdue or delinquent personal property taxes.

3.13 DELINQUENT CLAIMS DUE THE CITY. Unless otherwise specifically established by a resolution hereafter adopted by the Council, or unless otherwise provided by
3.14 ROOM TAX (1641 02/28/92)
(1) SIX PERCENT TAX. Pursuant to §66.0615, Wis. Stats., a tax is hereby imposed on the privilege and service of furnishing, at retail, rooms or lodging to transients by hotel keepers, motel operators, and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. In this Subsection, "hotel," "motel," and "transient" shall have the meaning set forth in §77.52(2)(a), Wis. Stats. and "gross receipts" shall have the meaning set forth in §77.51(11)(a)(b)(c), Wis. Stats., in so far as applicable. The tax shall be at the rate of 6 percent of the gross receipts from such retail furnishing of rooms or lodging. The tax shall not be subject to the selective sales tax imposed by §77.52(2), Wis. Stats. (2069 10/23/2001)

(2) APPLICATION OF PROCEEDS. The proceeds of the tax, when collected, less all collection expenses, shall be assigned to the general fund.

(3) TAX PAID AND RETURNS FILED QUARTERLY. The tax imposed shall be paid for each calendar quarter and shall be due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the Treasurer by those furnishing at retail such rooms and lodging on or before the same date on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarter from the retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and such other information as the Treasurer deems necessary.

(4) ANNUAL RETURN REQUIRED. Every person required by Subsection 3 to file a quarterly return shall, with the first return filed, elect to file an annual calendar year or fiscal year return. The annual return shall be filed within 30 days of the close of each calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain such additional information as the Treasurer requires. The annual returns shall be made on forms prescribed by the Treasurer. All such returns shall be signed by the person required to file a return or his/her duly authorized agent, but need not be verified by oath.

(5) EXTENSION OF TIME TO FILE RETURN ON SHOWING OF GOOD CAUSE. The Treasurer may, for good cause, extend the time for filing any return, but in no event longer than one month from the filing date.

(6) TREASURER TO ADMINISTER. The provisions of this section shall be administered by the Treasurer and the Treasurer shall establish such forms and procedures as are reasonably necessary to carry out its intent and purposes.

(7) PERMIT REQUIRED. Every person furnishing rooms or lodging under Subsection 1 shall file with the Treasurer an application for a permit for each place of business. The application shall be made upon a form prescribed by the Treasurer and shall set forth the name under which the applicant transacts or intends to transact business, the location of the place of business, and such other information as the Treasurer requires. The application shall be signed by the owner if a sole proprietor and, if not a sole proprietor, by the person authorized to act on behalf of the owner.

(8) TREASURER TO ISSUE PERMIT. After compliance with §§7 and 17 by the applicant, the Treasurer shall grant and issue to each applicant a separate permit for each place of business within the City. Such permit shall not be assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

(9) APPEAL OF ROOM TAX. Any person who shall dispute the amount of tax levied by this ordinance may file a petition with the Treasurer setting forth the basis for the dispute of the tax. The merits of such dispute shall be determined by the Board of Review. As a condition to filing a petition, the taxes under protest shall first be paid in full. Any such tax wrongfully assessed, shall be refunded to the payor.

(10) PROCEDURE WHERE BUSINESS IS SOLD. If a person liable for a tax under this section sells the business or terminates the business, the successors or assigns thereof shall withhold from the purchase price a sum sufficient to cover the room tax until the Seller produces a receipt from the Treasurer that the tax has been fully paid or a certificate that no tax is due. Any purchaser who fails to withhold the room tax from the purchase price as required herein, shall be personally liable for payment of the amount required to be withheld.

(11) OFFICE AUDIT. The Treasurer may, by office audit, determine the tax required to be paid to the City or the refund due to any person under this subsection. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the Treasurer's possession. One or more such office audit determinations may be made by the Treasurer as deemed necessary.

(12) FIELD AUDIT. The Treasurer may, by field audit, determine the tax required to be paid to the City or the refund due to any person under this section. The
(13) FAILURE TO FILE RETURNS, ESTIMATE BY TREASURER, PENALTY. If any person fails to file a return as required by this section, the Treasurer shall make an estimate of the amount of the gross receipts under subsection 1. Such estimate shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the Treasurer's possession or which may come into the Treasurer's possession. On the basis of this estimate, the Treasurer shall compute and determine the amount required to be paid to the City, adding to such sum a penalty equal to 10 percent thereof. One or more such determinations may be made for one or more periods.

(14) INTEREST CHARGE ON UNPAID TAX. All unpaid taxes under this ordinance shall bear interest at the rate of 18 percent per annum from the due date of the return until the first day of the month following the month in which the tax is paid or deposited with the Treasurer. All refunded taxes shall bear interest at 10 percent per annum from the due date of the return until the first day of the month following the month in which said taxes are refunded. An extension of time within which to file a return shall not operate to extend the due date of the return for purposes of interest computation. If the Treasurer determines that any overpayment of tax has been made intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, no interest shall be paid thereon.

(15) DELINQUENT RETURNS, LATE FILING FEE. Delinquent tax returns shall be subject to a $10.00 late filing fee. The tax imposed by this section shall become delinquent if not paid:

(a) In the case of a timely filed return, within 30 days after the due date of the return, or within 30 days after the expiration of an extension period if one has been granted.

(b) In the case of no return filed, or a return filed late, by the due date of the return.

(16) ADDED PENALTY. If due to negligence no return is filed, or a return is filed late, the entire tax finally determined shall be subject to a penalty of 10 percent of the tax exclusive of any interest or other penalties. If a person fails to file a return when due or files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this section, a penalty of 10 percent shall be added to the tax required to be paid, exclusive of interest and other penalties.

(17) RECORDS KEPT. Every person liable for the tax imposed by this section shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the Treasurer requires.

(18) CONFIDENTIALITY OF RETURNS.

(a) All tax returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the Treasurer are deemed to be confidential, except the Treasurer may divulge their contents to the following and no others:

1. The person who filed the return.
2. Officers, agents, or employees of the Federal Internal Revenue Service or the State Department of Revenue.
3. Officers, agents, or employees of the City as may be necessary to enforce collection.

(b) No person having any administrative duty under this section shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person on whom a tax is imposed by this section, or the amount or source of income, profits, losses, expenditures, or any particular thereof set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided in this Subsection.

(19) PENALTY. Any person subject to the tax imposed by this section who fails to obtain a permit as required in §7 or who fails or refuses to permit the Treasurer to inspect his/her state sales tax records, or who fails to file a tax return, or who violates any other provision of this section shall, in addition to all other penalties provided for herein, be subject to a forfeiture as provided by §25.04 of this Code. Each day, or portion thereof, that a violation continues shall be deemed a separate offense.

(20) EFFECTIVE DATE. This ordinance shall take effect on March 1, 1992.

3.15 PROCEDURE FOR COMPETITIVE BIDDING.

(1) INTENT. This Ordinance is intended to establish a uniform procedure to follow when the City decides in its discretion to invite competitive bidding for the purchase of services or property in those instances where State law does not require competitive bidding. This Ordinance is not intended to require competitive bidding where such bidding is not required by State law.

(2) NOTICE INVITING BIDS. Notice inviting bids shall be published once in an approved news media at least five calendar days before the date specified for the receipt of bids. Whenever feasible, the size of the notice shall be 3 x 3. The newspaper notice shall include the following:
(a) A general description of the property, articles or services to be purchased.
(b) The City office where bid forms and specifications may be obtained.
(c) Bid deposit, if any.
(d) The deadline time and date for submitting bids.
(e) The City office where bids are to be delivered.
(f) The time and place for opening bids.

(3) BIDDERS LIST. The committee soliciting bids may, in its discretion, expressly invite sealed bids from certain responsible suppliers. In any case where a supplier is expressly invited to submit a bid, the City shall send to the supplier a copy of the notice to be published at the same time that the notice is sent to the news media for publication.

(4) BID DEPOSITS. Whenever deemed necessary by the City, bid deposits shall be prescribed in the public notice inviting bids. Unsuccessful bidders shall be entitled to return of the deposit where a deposit has been required. A successful bidder shall forfeit any deposit required by the City upon failure on its part to enter into a contract with the City within 30 days after the award.

(5) BID OPENING PROCEDURE.
(a) All bids shall be delivered to the office of the City Clerk and shall be retained by the Clerk until the bid opening at which time the sealed bids shall be delivered to the chairperson of the appropriate committee.
(b) Bids shall be submitted in a sealed envelope and shall be identified as a bid on the face of the envelope.
(c) Immediately upon receipt of a bid, the City Clerk's office shall stamp on the face of the sealed envelope the date and the time the bid was received.
(d) Bids shall be opened in public by the City Clerk, or by the appointed designee of the appropriate committee at the time and place stated in the public notice. (1726 04/27/94)
(e) Only bids received in a timely manner as shown by the Clerk's stamp on the envelope shall be opened.
(f) A tabulation of all bids received shall be maintained at the opening and the tabulation shall be available for public inspection.

(6) REJECTION OF BIDS. The City shall have the authority to reject all bids, parts of all bids, or all bids where the public interest will be served thereby. In all cases, the City shall have the authority to re-advertise and re-bid any proposed purchase or to reject all bids and to negotiate a purchase directly with any supplier if this procedure is deemed most advantageous to the City. Further, whenever competitive bidding is not required by the Wisconsin Statutes, the City reserves the right to select the bid most advantageous to the City.

(7) BIDDERS IN DEFAULT TO THE CITY. The City shall not accept the bid of any supplier who is in default or delinquent in the payment of taxes, licenses, forfeitures, or any other moneys whatsoever due the City.

(8) SELECTING ACCEPTABLE BID. In addition to price, the City reserves the right to consider the following factors in selecting the acceptable bid:
(a) The ability, capacity and skill of the bidder to perform the contract or provide the service required.
(b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
(c) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
(d) The quality of performance of previous contracts or services by the bidder.
(e) The previous and existing compliance by the bidder with laws and ordinance relating to the contract or service.
(f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
(g) The quality, availability and adaptability of the supplies or contractual services to the particular use required.
(h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.
(i) The number and scope of conditions attached to the bid.

Whenever the award is not given to the lowest bidder, a statement of the reasons for granting the award elsewhere shall be prepared and the statement become part of the minutes of the meeting relating to the selection of the acceptable bid.

(9) TIE BIDS. If two or more bids are in the same amount or unit price, quality, service and other factors deemed relevant being equal, the contract shall be awarded to a bidder whose principal place of business is located within the City limits, if any. If there is not a City of Baraboo bidder, the City shall award the contract to one of the tie bidders by cutting a deck of playing cards, with the highest card being awarded the bid. In all cases, the City reserves the right to proceed as provided in §6 hereof.

(10) PERFORMANCE BONDS. The City shall have the authority to require a performance bond before entering into any purchasing contract. The bond shall be in such amount as the City shall find reasonably necessary to protect the best interests of the City.

(11) CDA EXEMPT. This subsection shall not apply to the Baraboo Community Development Authority.
(Explanatory note in regard to the Board of Police and Fire Commissioners. In 1932 a petition was filed with the City
Clerk signed by more than 30% of the electors of the City of Baraboo, requesting that an election be held for the members of the
Board of Police and Fire Commissioners, it being the intention of the petitioners to change the method of choosing the
commissioners from appointive to elective as provided in §62.09(3)(b)4 of the Wisconsin Statutes for 1931. That section then
provided "in cities of the fourth class, upon petition therefore by 30% of the electors filed with the clerk not less than 15 days
before any regular city election, any such officer shall be elected by the people at the succeeding election and thereafter." In his
written opinion, dated April 1, 1932, the Wisconsin Attorney General ruled that the choosing of members of the Police and Fire
Commission could be made elective under this procedure regardless of the language contained in §62.13(1) of the Wisconsin
Statutes, which apparently provides for their appointment. This opinion may be found in Volume 21 of Opinions of Attorney
General at page 350. As a result of this ruling, the members of the Board of Police and Fire Commissioners have ever since 1932
been elected by the people.

Additional Note: The Board of Police and Fire Commissioners of the City of Baraboo do not possess the Optional Powers set
forth in §62.13(6) inasmuch as this section has not been adopted by the electors of the city.)

4.01 POLICE DEPARTMENT.

(1) COMPOSITION. The Police Department shall consist of the Chief of Police and such number of
subordinates as the Council shall from time to time deem necessary.

(2) APPOINTMENT; TERMS. Pursuant to §62.13, Wis.
Stats., the Police and Fire Commission shall appoint the Chief of Police who shall hold office during good behavior
subject to suspension or removal by the Commission for cause. The Chief of Police shall appoint subordinates,
subject to approval by the Commission. Such appointments shall be made by promotion when this can
be done with advantage; otherwise, from eligibility list provided by examination and approval by the
Commission and kept on file with the City Clerk.

(3) REGULATIONS. Members of the Department shall be governed by the rules and regulations adopted by the
Police Chief, resolutions and ordinances adopted by the Council, and the Wisconsin Statutes.

(4) DISCIPLINARY ACTIONS. Disciplinary actions pertaining to the Chief and other members of the
Department shall be governed by §62.13(5), Wis. Stats.

4.02 CHIEF OF POLICE, POWERS, AND DUTIES.

(1) The Chief of Police shall possess the powers, enjoy the
privileges and be subject to the liabilities conferred and
imposed by law upon constables.

(2) He/she shall obey all lawful written orders of the
Mayor and the Council.

(3) He/she shall cause the public peace to be preserved
and see that all laws and ordinances of the City and State
are enforced, and whenever any violation thereof shall
come to his knowledge, he/she shall cause the requisite
complaint to be made and see that the evidence is
procured for the successful prosecution of the offender.

(4) He/she shall exercise supervisory control over all
personnel of the Department; may adopt rules and
regulations for the government, discipline, equipment and
uniforms of police officers; and shall maintain a
personnel file for each member of the Department.

(5) He/she shall be responsible for the total operation of
the Police Department and the care and condition of the
equipment used by the Department.

(6) He/she shall keep an accurate and complete record of
all complaints, arrests, traffic violations, convictions, and
dispositions of the Department.

(7) He/she shall possess the power to grant authority to
the Community Services Officer to issue citations for
violations of City Ordinances to the extent deemed appropriate. (2208 09/27/2005)

4.03 POLICE OFFICERS.

(1) GENERAL POWERS AND DUTIES. Each officer of the Department shall possess the powers conferred on constables by the law, shall preserve the public peace and shall enforce the laws and ordinances of the State and City subject to the orders, rules and regulations of the Chief.

(2) POWER OF ARREST. The Chief of Police and any police officer shall arrest all persons in the City found in the act of violating any law or ordinance of the City or State or aiding or abetting in such violation, and they shall arrest without warrant all persons whom they have reasonable grounds to believe have violated any law or ordinance and who will not be apprehended unless immediately arrested, shall take all arrested persons in charge and confine them, and shall within a reasonable time bring such persons before the court having jurisdiction thereof to be dealt with according to law.

4.04 ALARM SYSTEMS. See §12.14 of this Code. (1833 09/26/95)

4.05 SPECIAL CHARGES AND PERMIT FEES.

(1) Special charges and permit fees shall be charged by the police department as provided in the City’s Official Fee Schedule for the following services, among others:

- Money escort service
- Failure to lock door -For each failure over 3 in a 12 month period
- Special events coverage, except dances sponsored by the Baraboo School District
- Bad check investigation
- Vehicle identification verification
- Emergency vehicle lockouts
- Vehicle storage
- Special parking permit for contractors (See Ch. 7)
- Ch. 51 Wis. Stats. – Transportations

(2) COLLECTION OF SPECIAL CHARGES. Where applicable, the special charges provided in §(1) above, shall be billed to the owner or occupant and, if not timely paid, shall be placed on the tax roll, pursuant to the provisions of §66.0627, Wis. Stats.

4.06 DISPOSAL OF ABANDONED PROPERTY. The Police Department is authorized to dispose of abandoned property in its possession and unclaimed for at least 30 days. Based upon the value of an item, whether it is generic or unique, the condition of the item, and whether the item may have a use in City operations, items may be disposed of in any of the following ways: an Internet auction site (i.e., eBay, PropertyRoom.com, etc.); the bulk sale of items, including sale as scrap; conversion of the item for use by the City; sale at a live auction; and any other method of sale deemed reasonable by the Police Chief based upon the unique characteristics of the item. The Department may, at its sole discretion and based upon the number and type of bicycles in its possession, dispose of abandoned bicycles by providing up to 15 bicycles per calendar year to Sauk County based 501(c)(3) organizations upon application and proof of non-profit status. Firearms shall be disposed of in accordance with §§66.0139 and 968.20, Wisc. Stats. Flammable, explosive, or incendiary substances, materials, or devices that pose a danger to life or property in their storage, transportation, or use immediately after taking possession of the substances may be disposed of in accordance with §§66.0139(3), Wisc. Stats. (2255 04/24/2007; 2344 08/24/2010)
CHAPTER 5

FIRE DEPARTMENT

5.01 Composition of Department

5.02 Organization

5.03 Appointments

5.04 Disciplinary Action

5.05 Department Budget

5.06 Powers and Duties of Chief

5.07 Control and Care of Apparatus

5.08 Police Power of Department

5.09 Fire Prevention

5.10 Inflammable Materials Prohibited

5.11 Gasoline, Benzene, Naphtha, etc.

5.12 Gunpowder

5.13 Dynamite

5.14 Right of Way

5.15 Traffic Laws Apply to Volunteers

5.16 Emergency Alarm Systems

5.17 Social Activities

5.18 Smoke Detector

5.19 Regulation of Open Burning

5.20 Fire Lanes and Fire Hydrants

5.21 Key Lock Box System

5.22 thru 5.29 Reserved

5.30 Penalty

5.01 COMPOSITION OF DEPARTMENT. The Department shall be known as the "City of Baraboo Volunteer Fire Department" and shall consist of the Fire Chief, a First, Second and Third Assistant Fire Chief, a Captain for each company, a Secretary-Treasurer and such subordinates as may be authorized by the Council.

5.02 ORGANIZATION. The Department, by 2/3 vote of the members, shall adopt bylaws for the control, management, and government and for the regulation of business and proceedings of the Department, subject to the approval of the Council. The Department's organization and internal regulation shall be governed by this chapter and by such bylaws as adopted by the Department and approved by the Council, except as otherwise prohibited by law and this Code.

5.03 APPOINTMENTS.

(1) FIRE CHIEF. Pursuant to §§ 62.13(3), Wis. Stats., the Fire Chief shall be appointed by the Police and Fire Commission and shall hold office during good behavior, subject to suspension or removal by the Commission for cause.

(2) OTHER OFFICERS; SUBORDINATES. Pursuant to §62.13(4), Wis. Stats., other officers and subordinates shall be appointed by the Fire Chief, subject to confirmation by the Police and Fire Commission.

5.04 DISCIPLINARY ACTION. The Fire Chief shall have the power to suspend, demote, expel or otherwise discipline members of the Department, subject to appeal to the Police and Fire Commission, as provided in §62.13(5), Wis. Stats.

5.05 DEPARTMENT BUDGET. The Fire Chief shall file with the City Clerk, by October 1st of each year, a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

5.06 POWERS AND DUTIES OF CHIEF.

(1) GENERAL SUPERVISION. The Chief shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this chapter, the rules and regulations adopted by the Commission, and the bylaws of the Department. He shall be
responsible for the safety of the members of the Department.

(2) PRESIDING OFFICER. The Chief shall preside at all meetings of the Department, call special meetings, preserve order, decide all points of order that may arise, and enforce a rigid observance of this chapter and the bylaws.

(3) COMMAND OF FIRE FIGHTING OPERATIONS. The Chief shall be present at all fires, if possible, and have complete command and entire responsibility for all fire fighting operations, plan the control of the same, direct the action of the companies when they arrive at a fire, observe that every company does its duty, grant leaves of absence at a fire when he may deem it proper, and see that the fire apparatus is kept in proper condition at all times.

(4) REPORTS TO THE COUNCIL. The Chief shall submit a written report to the Council not later than October 1 of each year, and at such times as he deems desirable, relating to the conditions of various pieces of apparatus and appurtenances, budget recommendations for the coming year, the number of fires occurring since the previous report and the date of the same and loss occasioned thereby, the total number of active members in the Department, and resignations and expulsions from the Department. He shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations for such improvements as he deems proper and necessary for the operation of the Department.

(5) ENFORCEMENT OF FIRE PREVENTION ORDINANCES. He shall enforce all fire prevention ordinances of the City and the State laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

(6) FIRE RECORD BOOK. He shall keep a fire record book of every fire to which the Department was called and shall enter in such book the location of the fire, the time the alarm was received, the cause of the fire, where the fire started, the cause of delay, if any, in responding, the amount of insurance carried on buildings and contents, estimated fire loss, the time the fire was extinguished, the names of the members responding and general remarks.

(7) APPARATUS INVENTORY. He shall keep an inventory of all apparatus and equipment and an inventory of all hose showing dates and results of tests on each length, which shall be individually numbered.

(8) DUTIES AS COMMANDING OFFICER. He shall perform such other duties as are usually incumbent on the commanding officer of the Fire Department.

5.07 CONTROL AND CARE OF APPARATUS.

(1) The Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.

(2) No apparatus shall be used for any purpose except for fire fighting that is within the City limits, or in training therefore, except pursuant to mutual aid agreements approved by the Council after the Chief has given his recommendations on such use. With the approval of the Chief, such apparatus may be used for emergency purposes within the City. The Chief shall, quarterly, file a written report to the Council regarding equipment use.

5.08 POLICE POWER OF DEPARTMENT.

(1) POLICE AUTHORITY AT FIRES. The Chief and his assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right of way to the Fire Department in responding to a fire.

(2) CONTROL OF FIRES. The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons excepting firemen and policemen and those admitted by order of any officer of the Department shall be permitted to enter. The Chief may cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he may order the removal or destruction of any property necessary to prevent the further spread of the fire. He may also cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.

(3) ENTERING PREMISES. Any fireman while acting under the direction of the Fire Chief or other officer in command may enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire and if any person shall hinder, resist or obstruct any fireman in the discharge of his duty as is herein before provided the person so offending shall be deemed guilty of resisting firemen in the discharge of their duties.
(4) DUTIES OF BYSTANDERS. Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or removing or guarding property. Such officer may cause the arrest of any person refusing to obey said orders.

(5) INJURY TO EQUIPMENT PROHIBITED. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the City and no vehicle or railroad equipment shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, track or other place to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

5.09 FIRE PREVENTION. (1727 04/27/94)

(1) STATE CODES ADOPTED. Except as otherwise specifically provided in this Code, the statutory provisions of Section 101.14 Fire Inspections, Prevention, Detection and Suppression, Wis. Stats., and the following chapters of the Wisconsin Administrative Codes are hereby adopted by reference and made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute or code provision incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions or modifications of the statutes and codes incorporated herein are considered to be made a part of this Code in order to secure uniform statewide regulation:

- ILHR 7 Explosives
- ILHR 10 Flammable and Combustible Liquids
- ILHR 11 Liquefied Petroleum Gases
- ILHR 12 NFPA 54 National Fuel Gas Code
- ILHR 13 Compressed Natural Gas
- ILHR 14 Fire Prevention
- ILHR 16 Wisconsin State Electrical Code Article 700 and Article 400 of the National Electrical Code
- ILHR 28 Smoke Detectors
- ILHR 51 Definitions and Standards
- ILHR 52 General Requirements
- ILHR 53 Structural Requirements
- ILHR 54 Factories, Office, and Mercantile Buildings
- ILHR 55 Theaters and Assembly Hall
- ILHR 56 Schools and Other Places of Instruction
- ILHR 57 Residential Occupancies
- ILHR 58 Places of Detention
- ILHR 59 Hazardous Occupancies
- ILHR 60 Child Day Care Facilities
- ILHR 61 Community-Based Residential Facilities
- ILHR 62 Specialty Occupancies
- ILHR 64 Heating, Ventilation, and Air Conditioning
- NFPA 704 Identification of the Fire Hazards of Materials
- NFPA231D Storage of Rubber Tires

(2) FIRE CHIEF TO BE FIRE INSPECTOR. The Fire Chief shall hold the office of Fire Inspector with power to appoint one or more Deputy Fire Inspectors, who shall perform the same duties and shall have the same powers as the Fire Inspector.

(3) INSPECTION DUTIES. It shall be the duty of the Fire Chief to provide for the inspection of every public building and place of employment to determine and cause to be eliminated any fire hazard or any violation of any law relating to fire hazards or to the prevention of fires, to the extent required by §101.14, Wis. Stats. and Ch. ILHR 14 Wis. Adm. Code, and the Chief shall further make and keep on file written reports of such inspections as may be required by the Wisconsin Department of Industry, Labor and Human Relations.

(4) CORRECTION OF VIOLATIONS. Whenever any fire inspection reveals a violation of this Code, the Fire Inspector shall personally deliver or send by certified mail, return receipt requested, a written compliance order to the owner of the property and to the occupant if the property is occupied by a person not the owner thereof, giving said persons a reasonable time, not to exceed 60 days, to correct all violations. If a violation is not corrected within the grace period allowed, a second written compliance order shall be personally delivered or sent by certified mail, return receipt requested, to the same persons giving said persons an additional grace period, not to exceed 30 days, to correct the violations. If any violation is not corrected within the grace period allowed by the second order, a citation may be issued to the owner and to the occupant of the property. Each individual violation on a property and each day any such violation continues after the grace period allowed by the second order, a citation may be issued to the owner and to the occupant of the property. Each individual violation on a property and each day any such violation continues after the grace period allowed in the second notice shall constitute a separate offense. If the compliance order is not referred to the Department of Industry, Labor and Human Relations for further action, an action to abate such nuisance may be commenced by the City as provided in §10.07 of this Code.

(5) CITATION AUTHORITY. The Fire Chief, Deputy Fire Inspectors and City Police Officers shall be authorized to issue citations for violations of this section using the uniform citation method set forth in
§9.27 of this Code.

(6) SPECIAL CHARGES FOR INSPECTIONS FOR NON-COMPLIANCE. A special charge as provided in the Official Fee Schedule shall be imposed for the second and each subsequent inspection where the inspection reveals that the owner or occupant of the property has not corrected the violations contained in the compliance order. The owner and occupant of each property inspected shall be jointly and personally liable for the charge. If the charge is not paid within 30 days of the date of billing, an additional administrative collection charge of 10 percent of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate 1 percent per month until paid and such charge shall be extended upon the current or next tax roll as a charge against the inspected property for current services, as provided in §66.0627, Wis. Stats.

(7) ENTERING ON PREMISES. No person shall deny a Fire Inspector free access to any property within the City at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct a Fire Inspector in the performance of his/her duty or refuse to observe any lawful direction given by the Inspector. The Fire Chief shall be deemed a peace officer for the purpose of applying for, obtaining and executing a special inspection warrant pursuant to §66.0119, Wis. Stats.

(8) DISCLAIMER ON INSPECTIONS. The purpose of the inspections under this section is to comply with the fire inspection provisions of the State codes. The inspections and the reports, findings and orders issued after such inspections are not intended as, nor are they to be construed as, a guarantee. In order to advise owners, occupants and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of the inspection contained herein are intended to report conditions of non-compliance with Code provisions that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed premises. The City makes no warranty or representation, expressed or implied that its inspection of the property has discovered all fire code violations or all fire hazards or that this report contains a complete list of all fire code violations existing on the property inspected herein.

(9) LICENSE OR PERMIT WITHHELD. No license shall be granted or renewed for the operation of any trade, profession, business or privilege for which a license is required by any provisions of this Code nor shall any occupancy permit under Ch. 14 of this Code be issued for any property that contains any outstanding violation of this section.

(10) VIOLATION AND PENALTY. Any person who violates, disobeys, neglects, omits or refuses to comply with, or resists the enforcement of any of the provisions of this section shall be subject to a penalty as provided in Ch. ILHR 14 Adm. Code or §25.04 of this Code, whichever is greater.

5.10 INFLAMMABLE MATERIALS PROHIBITED
Within the business district, no person shall permit any waste paper, empty boxes, excelsior or similar or other inflammable materials to collect or remain upon the premises owned or occupied by said person, on the outside of any building or placed in any public street or alley unless the same shall be contained within a covered, fireproof container.

5.11 GASOLINE, BENZINE, NAPHTHA, ETC. All gasoline stations, bulk gasoline storage facilities, and any facility for storing benzene, naphtha, or any other volatile liquid shall be constructed and maintained in conformity with the regulations prescribed by the State Statutes and the rules and regulations of the State Department of Industry, Labor and Human Relations.

5.12 GUNPOWDER. No person shall keep or store more than 10 pounds of gunpowder at any place within the City without the written permission of the Fire Chief. Any dealer permitted to keep at his place of business in excess of 10 pounds of gunpowder shall not keep more than 200 pounds at any one time, and such gunpowder shall be kept in a safely constructed box painted yellow with the word "powder" printed or painted thereon in black letters not less than 5 inches in height and equipped with handles so that the same may be readily moved in case of fire, and such box shall be kept in such part of the dealer's place of business as may be directed by the Fire Chief.

5.13 DYNAMITE. No person shall keep or store within the City any nitroglycerine, dynamite, gant powder or other explosives more violent than gunpowder without the written permission of the Fire Chief or otherwise than in accordance with the conditions prescribed in such permission as granted and in no case shall more than 50 pounds of any such explosive be stored or kept within 300 feet of any dwelling or other occupied building. The Fire Chief may direct the placement and the manner of keeping the same and the precautions to be observed in connection therewith.

5.14 RIGHT-OF-WAY. The officers and members of the Fire Department, with their fire equipment of every kind, when going to or are on duty at a fire, shall have the right of way over all other vehicles upon City streets, and the operator of any other vehicle, whether motor or otherwise, upon the approach of such fire apparatus, shall immediately drive such other vehicle as far as possible to the right of the thoroughfare and shall keep such vehicle stationary until such fire apparatus shall have passed. Except when actually
responding to a fire alarm or other emergency call, or when on duty at a fire, the apparatus and vehicles of the Fire Department shall, however, have no special right of way or other privileges of any kind, but shall be subject to all traffic regulations applicable to other vehicles.

5.15 TRAFFIC LAWS APPLY TO VOLUNTEERS. All volunteer firemen, when responding to a fire call in a private vehicle, shall comply with all traffic regulations.

5.16 EMERGENCY ALARM SYSTEMS. See §12.14 of this Code. (1833 09/26/95)

5.17 SOCIAL ACTIVITIES.

(1) SOCIAL CLUB. Members of the Department may organize a social club provided that social activities are not funded from City funds.

5.18 SMOKE DETECTOR. (1485 12/8/87, 1586 03/12/91) The statutory provisions of §101.145, Wis. Stats., entitled Smoke Detectors, and the Wis. Adm. Code regulating smoke detectors are hereby adopted and by reference made a part of this Code with the same force and effect as though set forth in full. Any future amendments, revisions or modifications of the statutes and Wis. Adm. Code regulating smoke detectors are intended to be made a part of this section. Failure to comply with any of the provisions of such regulations shall constitute a violation of this section, punishable according to the penalties provided in this chapter.

5.19 REGULATION OF OPEN BURNING. (1935 04/14/98)

(1) DEFINITIONS.

(a) “Burning” shall mean the kindling or maintaining of a fire that has hot ashes or cinders or is giving heat, or still glowing or giving light, or a fire that is still smoldering or giving off smoke, or a fire that has not been completely extinguished.

(b) “Open burning” shall mean burning done outside of a Building.

(c) "Recreational fires" and "cooking fires" shall mean open burning for outdoor recreation and/or cooking purposes in an enclosure designed specifically for ember and flame containment, excluding a barrel, such as rocked-in pits, fireplaces, or barbecue grills which use only charcoal, propane gas or dry, untreated and unpainted wood as the burning material, and which satisfy the conditions set forth in subs (3).

(d) "Bonfire" shall mean a large, open fire kindled and maintained to mark a public event, celebration or similar occurrence, which only uses dry, untreated and unpainted wood as the burning material. A fire permit from the Fire Department is required for a bonfire.

(2) CONDITIONS OF PERMITTED OPEN BURNING. Except as permitted in sub. (3), no person shall kindle or maintain any open burning unless such open burning complies with the conditions set forth in this subsection:

(a) The hours of open burning shall be restricted to even calendar days during the hours between 8 a.m. and 10 p.m., unless otherwise expressly authorized by the Fire Department. During all other hours and times, all burning authorized under subsection (2) shall be completely extinguished.

(b) No burning shall be kindled or maintained during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban.

(c) Only dry grass, leaves, garden vegetative matter, brush and untreated and unpainted wood which is suitable for burning shall be used as the burning material, except permitted bonfires shall only use dry, untreated and unpainted wood as the burning material.

(d) No burning shall be kindled or maintained on or within any street, sidewalk, tree bank, alley, parking lot, drainage ditch, park, public place or public right-of-way, unless otherwise expressly authorized by the Fire Department.

(e) The fuel for igniting such burning shall consist of dry material or commercially available products designed for lighting fires.

(f) All such burning shall be constantly supervised and personally attended by a responsible adult until the fire is completely extinguished. The person in charge of the fire shall have fire extinguishing equipment or materials available at all times and easily accessible for immediate use.

(g) Burning, under this subsection, shall not be kindled or maintained in a barrel.
(h) Whenever burning is undertaken in a pile, the maximum size of the burning materials shall be four feet in diameter, measured horizontally, and three feet measured vertically, and the pile of material being burned shall be at least 15 feet away from any combustible material, combustible wall or partition, exterior window opening, exit, access or exit unless otherwise expressly authorized by the Fire Department.

(i) No burning shall be maintained so that flames exceed 4 feet in height.

(j) No burning shall be kindled or maintained so as to cause a public nuisance prohibited by Ch. 10 of the Code.

(k) All such burning shall be conducted on a non-combustible surface.

(3) REGULATION OF RECREATION FIRES AND COOKING FIRES. Recreational fires and cooking fires shall be exempt from the conditions set forth in subs. (2), provided, however, recreational fires and cooking fires shall comply with each of the following conditions:

(a) Burning, under this subsection, shall not be kindled or maintained in a barrel.

(b) No burning shall be kindled or maintained on or within any street, sidewalk, treebank, alley, parking lot, drainage ditch or public right-of-way.

(c) No burning shall be maintained such that the flames exceed 4 feet in height.

(d) No burning shall be maintained so as to cause a public nuisance prohibited by Ch. 10 of the Code.

(e) Except for barbecue, gas, and charcoal grills, any other burning receptacle, enclosure or pit shall be no greater than 30 inches in diameter at its greatest width.

(f) All such burning shall be constantly supervised and personally attended by a responsible adult until the fire is completely extinguished. The person in charge of the fire shall have fire extinguishing equipment or materials available at all times and easily accessible for immediate use.

(g) Except for barbecue, gas, and charcoal grills, no burning shall be kindled or maintained during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban.

(h) Whenever a portable fireplace or grill is located on a combustible surface, such as a wooden patio or deck, a non-combustible material shall be placed under and around the fireplace or grill for a distance of at least 24 inches on each side thereof.

(i) In relation to one and two family dwellings, except for barbecue, gas, and charcoal grills, no such burning shall be undertaken within 15 feet of any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Department. (2353 01/25/11)

(j) In buildings with three or more dwelling units, no burning shall be undertaken within 25 feet of any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Department. (2353 01/25/11)

(k) In buildings with three or more dwelling units, regardless of type or size, no barbecue, gas, charcoal or electric grill, or any other burning receptacle shall be stored or used on balconies above the first floor, under any overhangs or within 10 feet of the structure. (2118 05/27/03, 2353 01/25/11)

(4) BONFIRES REGULATED. No person shall kindle or maintain any bonfire without first obtaining a permit from the Fire Department and each such permit shall be subject to the conditions established by the Fire Department. The bonfire permit fee is set forth in the City’s Official Fee Schedule, §1.90.

(5) BURNING OF CERTAIN MATERIALS PROHIBITED. No person shall kindle or maintain open burning where the burning material is recyclable paper products, recyclable cardboard, rubbish, garbage, trash, refuse, painted wood, pressure treated lumber, and/or any material made of in whole or in part or coated with rubber, plastic, leather or petroleum based materials, and/or products containing flammable materials.

(6) EXCEPTIONS TO BURNING REGULATIONS. The following fires for burning shall be exempt from the provisions of §§(2) and (3): (2118 05/27/03)

(a) Fires conducted inside of a building, including, but not limited to fireplaces and incinerators.
(b) Fires conducted to remove frost from the ground by public utility companies, City employees, cemeteries, and building contractors.

c) Small open flames for welding, acetylene torches, safety flares, heating tar or similar applications.

d) Fires conducted for training or instruction of fire fighters by the City Fire Department or for the testing of fire equipment by the City Fire Department.

e) Any fire expressly authorized in writing by the Fire Chief. A permit issued by the Fire Chief shall be subject to the conditions established by the Fire Department. See Official Fee Schedule, §1.90 for burning permit fee. (2118 05/27/2003)

7) EMERGENCY REGULATIONS. The Fire Chief may, when necessary, declare an "Emergency Condition of Fire Hazard" for a specified period of time and, during such time, no burning shall be permitted unless done or controlled by the Fire Department. In addition, during such declared fire emergency period, the Fire Chief may prohibit the use of the following:

(a) Fireworks as defined by §167.10(1), Wis. Stats.

(b) Any of the items included under §167.10(1)(e), (f), (i), (j), (k), (l), (m), and (n), Wis. Stats.

(c) Any other device that may pose a fire hazard.

8) OPEN BURNING PROHIBITED WHEN WIND EXCEEDS EIGHT (8) MILES PER HOUR. No person shall kindle or maintain any open burning within the City whenever the wind speed exceeds eight (8) miles per hour as measured by a portable wind meter device approved by the Fire Chief. Before taking any enforcement action under this §(8), a law enforcement officer, the Fire Chief, or Fire Inspector shall first order the violator to completely extinguish the open burning. A citation shall not be issued if the open burning is immediately extinguished after the order to do so has been given. No person shall continue to maintain any open burning after being ordered to completely extinguish the burning as provided in this Section. (2146 04/13/2004)

9) ENFORCEMENT AND BONFIRE PERMIT FEE. The Fire Chief, Fire Inspector, and Police Officers of the City shall be authorized to enforce the provisions of this Section. (Re-numbered only per 2146 04/13/2004)

10) RECOVERY OF ABATEMENT COST. The City has determined that a violation of this section creates a public nuisance or a hazard to the public safety. Therefore, in addition to any other penalty imposed by this code for a violation of this section, if the Fire Department is dispatched to a fire caused as a result of any act, omission, condition, or thing that constitutes a violation of this §5.19, the person causing, permitting, or maintaining such occurrence, may be charged a fee to cover the City's cost for responding (to such public nuisance. Any such fee shall be charged as set forth in the City of Baraboo's Official Fee Schedule. The charge shall be collected as a debt and, if the charge is not paid within thirty (30) days of the date of billing, an administrative collection charge of 10% of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid. If the owner of the property where the public nuisance occurred caused, permitted, or maintained such public nuisance, such charge shall be extended upon the current or next tax roll, to the extent allowed by law. (2118 05/27/2003, Re-numbered only per 2146 04/13/2004)

11) SEVERABILITY. If any Section, Subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any Court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof, and to this extent, the provisions of this Ordinance shall be severable. (2118 05/27/2003, Renumbered only per 2146 04/13/2004)

5.20 FIRE LANES AND FIRE HYDRANTS (1870 05/14/96, 2002 01/11/2000)

1) FIRE LANES AND FIRE HYDRANTS REQUIRED. Fire lanes and fire hydrants shall be required in accordance with this section on public or private property used for assembly, commercial, educational, industrial, institutional, or multi-family dwelling purposes, and on private property containing residential developments consisting of three or more dwelling units to which access is provided from a public street by a private road or driveway where any dwelling unit is set back more than fifty (50) feet from the paved portion of the public street. Fire lanes may also be designated on those private roads where it is found by the Fire Chief that such access is necessary for fire fighting equipment and apparatus. No building permit shall be issued without compliance with the terms of this section if any part of the area
being developed contains any of the uses or conditions described in this section.

(2) In this Section:

(a) "Fire Chief" means the Fire Chief of the City of Baraboo.

(b) "Fire lane" means a part of a public or private parking lot or private driveway or private road which is designated as a fire lane and designed to provide access for fire trucks to any building or location and which lanes meet the following minimum specifications:

1. Not less than 24 feet wide at any point.
2. Curves and turnarounds shall be designed for a 40 foot turning radius.
3. Dead end lanes more than 300 feet long shall provide for a turn around that is T-type, hammerhead, cul-de-sac, or curved driveway at the closed end of the lane.
4. The surface shall be paved with bituminous or concrete or other approved similar all weather material and shall be of sufficient strength to support City fire fighting equipment.

(c) "Fire hydrant" means a hydrant satisfying the specifications contained in Subch. II, BARABOO WATER UTILITY, of Ch. 13 of this Code.

(3) LOCATION AND MAINTENANCE OF FIRE Lanes AND FIRE HYDRANTS. Fire lanes and fire hydrants shall be located where necessary to provide fire protection to all buildings and premises within the City as determined by the Fire Department. In all cases, a fire hydrant shall be located within 350 feet from each building to be served by the hydrant and all hydrants shall be accessible to fire lanes. All existing and new fire hydrants located on private property shall be routinely inspected, repaired, tested, and maintained by the owner thereof as specified in American Water Works Association Manual 17, Installation, Field Testing and Maintenance of Fire Hydrants, and all fire hydrants shall satisfy the minimum performance requirements established by the City Water Department for City fire hydrants. Water Department and Fire Department personnel shall have open and free access to all fire hydrants upon public and private property within the City at any reasonable time for the purpose of inspecting, repairing, testing, and maintaining fire hydrants. The fire flow test procedures in National Fire Protection Association Ch. 291, Fire Flow Testing and Marking of Hydrants shall be followed when performing fire hydrant fire flow tests. Each owner and/or each occupant of any premises where a fire lane and/or a fire hydrant is required shall be responsible for the prompt removal of snow and ice from a fire lane and for the prompt removal of all snow surrounding each fire hydrant. (2002 01/11/2000)

(a) Written Records. Written records shall be maintained showing the installation, inspection, field testing, repair, and maintenance of each fire hydrant within the City. Such records shall be made available for inspection and copying upon request by Fire Department Personnel.

(b) Disclaimer on Fire Hydrant Inspecting and Testing: The purpose of the inspection and testing of fire hydrants authorized by this Section is to improve the quality of fire protection service within the City. Any inspections and the reports and findings issued pursuant thereto are not intended as, nor are they to be construed as, a guarantee. The findings of any inspection or testing are intended to ascertain conditions that are readily apparent at the time of such inspection or testing and do not involve a detailed examination of all mechanical systems on the entire premises. The City makes no representation or warranty, express or implied, as to the thoroughness or accuracy of any such inspection or testing. The City disclaims, and does not assume, any liability or responsibility whatsoever in the event any error or omission was made by the City as the result of an inspection and/or testing authorized by this Section, whether such errors or omissions result from negligence, accident, or other source or cause. The City shall further not be liable or responsible for damage caused to any fire hydrant while such fire hydrant is being properly tested as required by this Section.

(4) DUTIES AND POWERS OF FIRE CHIEF. All building and project development plans for projects covered by this section shall be referred to the fire chief for examination and approval. If the fire chief finds that a proposed fire lane or fire hydrant in a development project does not comply with this section, the fire chief shall be authorized to specify the changes necessary to bring the proposal into compliance. Appeals from orders of the fire chief shall be to the Zoning Board of Appeals. The fire chief shall inspect the construction of any fire lanes and the placement and specifications of any fire hydrant required by
this section and no occupancy permit shall be issued for any project covered by this section until the fire chief has inspected and approved the fire lanes and fire hydrants.

(5) DESIGNATION AND SIGNAGE FOR FIRE LANES. The owner or occupant of any premises where a fire lane is required under this section shall designate and mark all fire lanes and shall post appropriate signs indicating the existence of all fire lanes and indicating that no parking is permitted on fire lanes at any time, as specified and approved by the fire chief. Signs and markings shall be used in such locations and in such a manner as in the judgment of the fire chief will carry out the purposes of this section and give adequate warning to users of the premises where the fire lanes and fire hydrants are located. Signage and markings shall meet the following minimum standards:

(a) Where reasonably feasible, signs shall be erected within 5 feet of the beginning and within 5 feet of the end of the fire lane with spacing between signs not exceeding 75 feet. Each sign shall face in the direction of oncoming traffic and shall be affixed to a stationary pole or object.

(b) Curb along a fire lane shall be painted yellow and if no curb exists, a 4-inch wide stripe shall be painted the full length of the fire lane. Lanes identified exclusively as fire lanes shall be identified with approved fire lane signs on each side facing forward and the pavement area between the signs shall be striped with 4-inch wide yellow strips.

(6) OBSTRUCTIONS OTHER THAN MOTOR VEHICLES. No person who is the owner or occupant of a premises required by this Section to maintain a fire lane or a fire hydrant shall place, locate, permit, or allow the placement or location of any obstruction of any fire lane or so as to block access to any fire hydrant. (2009/12/2000)

(7) RESTRICTED PARKING IN FIRE LANES – See §7.09 of the Code.

5.21 KEY LOCK BOX SYSTEM (2394 04/23/2013)

(1) The following structures shall be equipped with a key lock box or a component thereof at or near the main entrance or such other location required by the Fire Chief:

(a) Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency.

(b) Multi-family residential structures protected by an automatic alarm system, or automatic suppression system, or that have restricted access through locked doors and have a common corridor for access to the living units.

(c) Governmental structures.

(d) Any special facilities or properties that may possess restricted access by the means of a fence, gate or similar device.

(2) This ordinance shall not be construed to so as to require a key lock box for the following structures or uses:

(a) One- and two-family dwellings.

(b) Hospitals, nursing homes, jails or other institutional use buildings when on-site staff is available at all times.

(c) Commercial or industrial structures when on-site staff is available at all times.

(d) In the event that any of the structures or uses as set forth in this paragraph install a key lock box system, it shall meet and comply with all the requirements of this ordinance.

(3) All newly constructed structures subject to this section shall have the key lock box installed and operational prior to the issuance of a occupancy permit. All existing structures as of the effective date of this ordinance and subject to its provisions shall have one year to install an operational key lock box.

(4) The Fire Chief shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures as set forth in section (1) of this ordinance to use the designated system.

(5) The owner or operator of a structure required to have a key lock box shall, at all times, keep current key(s) in the key lock box that will allow access to the structure. The key lock box shall contain the following keys, as applicable:

(a) Keys to locked points of ingress and egress, whether on the interior or exterior of such buildings.

(b) Keys to locked mechanical rooms.

(c) Keys to locked elevator rooms.

(d) Keys to elevator controls.

(e) Keys to any fence or secured areas.

(f) Keys to any other areas as directed by the Fire Chief or Fire Inspector.

(g) Keys required by this section shall not include keys to individual living units in a multi-family residential structure.

(6) The Fire Chief shall be authorized to implement rules and regulations for the placement and use of the key lock box system.

(7) The Baraboo Fire Department is authorized to share key lock box access with other public safety departments, including the Sauk County
Sheriff’s Department, the Baraboo Police Department, and the Baraboo Ambulance District, under rules and policies to be established by the Fire Chief.

(8) Entry keys shall be updated as necessary and will be checked as part of the fire inspection visits.

(9) The owner or operator of a structure required to have a key lock box system shall provide to the Baraboo Fire Department a list each year of the emergency contacts in case of an emergency requiring the use of the key lock box.

(10) Any person who owns or operates a structure subject to this section shall be subject to the penalties set forth in §5.30 of this Code for any violations of this section.

5.22 thru 5.29 Reserved

5.30 PENALTY. (2002 01/11/2000) Any person who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this chapter, or any order, rule, or regulation made hereunder shall be subject to a penalty as provided in §25.04 of this Code. In addition to the payment of a forfeiture, the City Attorney may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent or enjoin the erection, enlargement, alteration, repair, moving or occupancy of any building or structure located on any premises in violation of this chapter. In any such action, the fact that a permit was issued shall not constitute a defense and each violation and each day a violation continues or occurs shall constitute a separate offense. (2027 09/12/2000)
CHAPTER 6

ADMINISTRATIVE REVIEW PROCEDURE

6.01 Purpose
6.02 Review of Initial Determination
6.03 Determinations Reviewable
6.04 Determinations Not Subject to Review
6.05 Administrative Review Appeals Board
6.06 Conflicting Code Provisions

6.01 PURPOSE. The purpose of this chapter is to afford a constitutionally sufficient, fair and orderly administrative procedure and review in connection with determinations by all City officers, employees, agents, agencies, committees, boards, and commissions which may involve constitutionally protected rights of specific persons which are entitled to due process protection under the 14th Amendment to the U.S. Constitution. Ch. 68, Wis. Stats., relating to municipal administrative review procedure, shall be in full force and effect in the City, except as to those provisions otherwise provided in this chapter.

6.02 REVIEW OF INITIAL DETERMINATION. Upon the filing of a written request by any person aggrieved to review an initial determination filed pursuant to the provisions of §68.08, Wis. Stats., all City officers, employees, agents, agencies, committees, boards and commissions receiving such a request shall conduct administrative reviews of their own determinations in accordance with §68.09, Wis. Stats. In addition, all such written requests shall be immediately referred to the City Attorney.

6.03 DETERMINATIONS REVIEWABLE. The following determinations are reviewable under this chapter:

(1) The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor license.

(2) The suspension, revocation or nonrenewal of an existing permit, license right, privilege or authority, except as provided in §6.04 of this chapter.

(3) The denial of a grant of money or other thing of substantial value under a statute or ordinance prescribing conditions of eligibility for such grant.

(4) The imposition of a penalty or sanction upon any person except a City employee or officer, other than by a court.

6.04 DETERMINATIONS NOT SUBJECT TO REVIEW. Except as provided in §6.03 of this chapter, the following determinations are not reviewable under this chapter:

(1) A legislative enactment, which is an ordinance, resolution or adopted motion of the Council.

6.05 ADMINISTRATIVE REVIEW APPEALS BOARD

(1) MEMBERSHIP. See §1.23 of this Code.

(2) POWERS AND DUTIES. The Administrative Review Appeals Board shall have the duty and responsibility of hearing appeals from initial determinations of administrative determinations or decisions of City officers, employees, agents, agencies, committees, boards and commissions filed in accordance with §68.10, Wis. Stats. In conducting administrative review hearings and making final decisions, the Board shall be governed by §68.11 and 68.12, Wis. Stats.

6.06 CONFlicting CODE PROVISIONS. The provisions of this chapter shall not be deemed to repeal or supersede the provisions of any other section of this Code in conflict herewith or providing other procedures for review of administrative determinations within the City except when otherwise specifically provided in said sections.
CHAPTER 7

TRAFFIC CODE

7.01 State Traffic Laws Adopted
7.02 Official Traffic Map and Control Devices; Prohibited Signs, Signals and Marker
7.03 Through Highways and Controlled Intersections Designated
7.04 One-Way Streets and Alleys
7.05 U-Turns Prohibited
7.06 Safety Zones and Islands, Traffic Lanes and Loading Zones
7.07 Heavy Traffic Routes
7.08 Speed Limits
7.09 Parking Restrictions
7.10 Removal of Illegally Parked Vehicles
7.11 Abandoned Vehicles
7.12 Display of Power Prohibited
7.13 Obstruction of Railroad Crossings
7.14 Traffic and Parking Regulations on and Adjacent to School District Grounds
7.15 Regulation and Licensing of Bicycles
7.16 Snowmobiles
7.17 Regulation of Roller Skates, Skate Boards, In-Line Skates, Scooters and Similar Play Vehicles
7.18 Special or Seasonal Weight Limitations on City Streets, Bridges and Culverts
7.19 Use of City Streets and Sidewalks for Special Events
7.20 Regulations of Unregistered Motor Vehicles on City Streets and Parking Lots
7.21 Parking Restrictions and Traffic Regulation at U.W. Baraboo-Sauk County Campus
7.22 School Buses Must Use Red Warning Lights
7.23 Neighborhood Electric Vehicles
7.24 Penalty
7.25 Enforcement

7.01 STATE TRAFFIC LAWS ADOPTED. Except as otherwise specifically provided in this chapter, the statutory provisions in Chs. 110 and 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and 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 statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform state-wide regulation of traffic on the highways, streets, and alleys of the State of Wisconsin. (2308 05/26/09)

7.02 OFFICIAL TRAFFIC MAP AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS.

(1) DUTY OF STREET SUPERINTENDENT 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 §7.01 of this chapter, require the erection of traffic control devices for enforcement, the Street Superintendent 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. Whenever 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 Chief of Police will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the City. (2033 11/14/2000)

(2) OFFICIAL TRAFFIC MAP.
(a) Official Traffic Map Established. There is hereby established for the City of Baraboo an Official Traffic Map dated June 1, 1986, on which is indicated as of said date all existing stop signs; Arterial intersections; yield signs; no parking Areas; no stopping, standing or parking areas; Restricted parking areas; handicap parking areas; and all other restrictions or limitations contained in this chapter and which the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations. All such restrictions and limitations set forth on said Official Traffic Map are hereby adopted by reference.

(b) Revisions to Map.
1. Additions and Deletions to Map. The Council may, from time to time, make additions to or deletions from the Official Traffic Map and the City Engineer, shall keep such Official Traffic Map current. Every addition to said Official Traffic Map made after December 1, 1986, shall indicate the number of the authorizing ordinance and the date the appropriate official traffic control device was erected, and every deletion shall indicate the number of the authorizing ordinance. (2033 11/14/2000)

2. Ordinances Changing Map. Ord. #s:

(c) Map to be Maintained. The Official Traffic Map shall be maintained and displayed in the Engineering Department. The City Engineer, or his/her designee, shall make appropriate authorized changes on said Map within 3 working days after the appropriate official traffic control device is erected or removed, as the case may be. (1738 05/31/94, 2033 11/14/2000)

(d) Violations Prohibited. When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this section, a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this chapter.

(3) PROHIBITED SIGNS AND MARKERS IN HIGHWAYS. No person other than an officer authorized by this chapter to erect and maintain official traffic control devices, or his designee, shall place within the limits of any street or highway maintained by the City any sign, signal, marker, mark or monument unless permission is first obtained from the Chief of Police or the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal, as provided in sub. (4) below.

(4) REMOVAL OF UNOFFICIAL SIGNS, SIGNALS, MARKERS AND TRAFFIC CONTROL DEVICES. The Chief of Police may direct the Street Superintendent to remove any sign, signal, marker or other device which is placed, maintained or displayed in violation of this chapter or State law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marker or device shall be reported by the Street Superintendent to the Council for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes. (2033 11/14/2000)

7.03 THROUGH HIGHWAYS AND CONTROLLED INTERSECTIONS DESIGNATED.

(1) THROUGH HIGHWAYS DESIGNATED. In the interest of public safety and pursuant to the authority granted by Wisconsin law, the following streets or portions thereof are declared to be through highways: (1930 02/24/98)

(a) 8th Street and 8th Avenue, from City limits to City limits.

(b) East Street, from the north curbline of 8th Avenue north to the City limits. (1977 05/18/99)

(c) Broadway, from the south curbline of 8th Avenue, south to the north curbline of 4th Avenue. Broadway, from the south curbline of 4th Avenue, south to the Baraboo River.

(d) Ash Street, from the north curbline of 5th Street, south to the Baraboo River. Ash
Street, from the north curbline of 5th Street, north to the south curbline of 8th Street.

(e) Oak Street, from the north curbline of 5th Street to the south curbline of 8th Street. Oak Street, from the north curbline of 8th Street, north to Madison Street.

(f) 4th Street from the east curbline of East Street, east to and including the west curbline of Elizabeth Street.

(g) Elizabeth Street from the north curbline of Water Street, north to the south curbline of 5th Street. Elizabeth Street from the north curbline of 5th Street to the south curbline of 8th Street. Elizabeth Street from the north curbline of 8th Street, north to the city limits.

(h) Lincoln Avenue from the south curbline of 8th Street, south to the south curbline of 2nd Street. (1694 06/28/93)

(2) CONTROLLED INTERSECTIONS DESIGNATED. In the interest of public safety, the following intersections are declared controlled intersections and traffic control signals shall be installed thereon in conformity with the Wisconsin Official Control Device Manual and the provisions of this chapter:

(a) The intersection of 2nd Avenue and Broadway.
(b) The intersection of 4th Avenue and Broadway.
(c) The intersection of 8th Avenue and Broadway.
(d) The intersection of 8th Street and East Avenue.
(e) The intersection of 8th Street and Draper Street.
(f) The intersection of U.S. Highway 12 and County Highway W (South Boulevard). (2097 10/08/02)

(3) DESIGNATION OF LOCATION OF STOP SIGNS AND YIELD SIGNS. In the interest of public safety, the Council, by ordinance, has designated the location of stop and yield signs within the City and has ordered the installation of such signs. In addition, the location of such signs is designated on the Official Traffic Map of the City pursuant to §7.02 of this chapter. See §7.02(2)(b)2.

(4) 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, shall obey the direction of such official traffic control device as required by the Wisconsin Statutes incorporated by reference in §7.01 of this chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by §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 §346.18(6), Wis. Stats.

(5) RIGHT TURN PROHIBITED ON RED SIGNAL. No eastbound operator of a vehicle, including bicyclists, on Eighth Avenue facing a red signal at the intersection of Eighth Avenue and Broadway shall make a right turn onto Broadway. (1769 09/13/94)

7.04 ONE-WAY STREETS AND ALLEYS. The following streets and alleys, or portions thereof, are hereby designated one-way and no person shall drive or operate a vehicle thereon except in the direction designated below:

(1) THIRD AVENUE. Easterly on 3rd Avenue between Broadway and Oak Street.
(2) OAK STREET. Northerly on Oak Street between 3rd and 4th Avenues and Streets.
(3) 4TH AVENUE. Westerly on 4th Avenue between Oak Street and Broadway.
(4) BLOCK 40 ALLEY. Westerly on the alley in Block 40.
(5) PARK STREET. Beginning at that portion of Park Street located south of Second Avenue and proceeding therefrom south on Park Street to the unnamed park road adjoining Park Street and along the unnamed road through Mary Rountree Park exiting at the park's northwest corner. (1739 05/31/94)

7.05 U-TURNS PROHIBITED. No operator of a vehicle shall make a U-turn at the following locations:

(1) BROADWAY INTERSECTION. At the intersection of Broadway and 2nd, 3rd, and 4th Avenues.
(2) OAK STREET INTERSECTION. At the intersection of Oak Street and 2nd, 3rd, and 4th Streets and Avenues.
(3) ASH STREET INTERSECTION. At the intersections of Ash Street and 2nd, 3rd, and 4th Streets.
(4) WALNUT STREET INTERSECTION. At the intersection of Walnut Street and Lynn Street.

7.06 SAFETY ZONES AND ISLANDS, TRAFFIC LANES AND LOADING ZONES.

(1) SAFETY ZONES AND ISLANDS, TRAFFIC LANES, AND LOADING ZONES. The Chief
of Police is hereby authorized to establish safety zones and islands, loading zones and traffic lanes of such kind and character and at such places as deemed necessary for the protection of persons using the public streets and sidewalks. The Council may also, from time to time, by ordinance establish safety zones and islands, loading zones and traffic lanes. The Street Superintendent, upon the recommendation of the Chief of Police or upon passage of an ordinance by the Council, is hereby authorized and empowered to erect and maintain such pavement markings, structures and/or signage as may be deemed necessary to mark the areas designated pursuant to this section consistent with the provisions of this chapter. (2033 11/14/2000)

2. ORDINANCES ADOPTED UNDER THIS SUBSECTION. Ord. #1470, 1533, 1648, 1659, 1728, 1886, 2029, 2052.

7.07 HEAVY TRAFFIC ROUTES. (1812 05/23/95)

1. ROUTES DESIGNATED. All State trunk highways and County trunk highways within the City are hereby designated heavy traffic routes. In addition, the following streets and parts of streets within the City are hereby designated heavy traffic routes:

(a) WATER STREET. From East Street to Broadway. (2214 11/08/2005)
(b) LYNN STREET. From South Boulevard to Walnut Street.
(c) WALNUT STREET. From Lynn Street to Lake Street.
(d) LAKE STREET. From Walnut Street to its southern terminus.

There shall be a rebuttable presumption that any vehicle subject to this section being operated or moved on any street, highway or alley within the Central Business District (B-1), Industrial District, Enclosed Storage (I-1), Industrial District, Open Storage (I-2) or Industrial/Business District (I-3) is using such street, highway or alley for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on a street, highway or alley in one of the above districts.

2. TRAVEL PROHIBITED. No vehicle, except a motor bus, which is not equipped with pneumatic tires or has a gross vehicle weight of 14,000 pounds or more shall be operated or moved on any street, highway or alley not a part of the heavy traffic route designated in sub. (1) above except for the purpose of obtaining orders for, moving or delivering supplies or commodities to or from a place of business or residence facing thereon, provided that in no event shall the weight of the vehicle and load on such other street exceed the limitations of §348.15 and §348.16(3), Wis. Stats.

3. SIGNS. The Street Superintendent shall cause to be secured and erected appropriate signs to give notice of the heavy traffic routes. (2033 11/14/2000)

7.08 SPEED LIMITS. (2488 04/10/2018, 2492 05/22/2018) the Council hereby determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe and imprudent and modifies such speed limits as follows:

1. SPEED LIMITS INCREASED. Speed limits are increased on the following designated streets or portions thereof:

(a) 45 Miles Per Hour. On Taft Avenue (C.T.H. T) between 12th Street and a point 650 feet north of the centerline of City View Rd./Man Mound Rd.
(b) 35 Miles Per Hour.
1. On South Boulevard between Pate Street and State Hwy 136.
2. On South Boulevard between Commerce Parkway and the westerly on/off ramps of US Hwy 12.
3. On Taft Avenue (C.T.H.T) between 8th Street and 12th Street.
(c) 30 Miles Per Hour.
1. On South Boulevard between Badger Drive and Pate Street.
2. On 8th Street between Washington Avenue and the easterly City limits.

2. SPEED LIMITS DECREASED. The speed limits are decreased, as hereinafter set forth, upon the following streets or portions thereof:

(a) 15 Miles Per Hour.
1. On Zoo Lane between Park Street and Ridge Street.
2. All alleys.
(b) 25 Miles Per Hour.
1. On South Boulevard between State Hwy 136 and Commerce Parkway. (2058 06/26/2001)
2. Manchester Street. (2091 08/27/02)
3. Madison Avenue between Crawford and East Street. (2135 01/27/04)

7.09 PARKING RESTRICTIONS.

1. STOPPING, STANDING AND PARKING REGULATED. Pursuant to §349.13, Wis. Stats., the authority to regulate the stopping, standing, and parking of vehicles is delegated to the Chief of Police, subject to control of the Council. The
Chief, with the cooperation of the Street Superintendent and City Engineer are hereby authorized to designate and sign streets, or portions thereof, where the stopping, standing or parking of vehicles is prohibited at all times or during certain designated hours. (2033 11/14/2000)

(2) ANGLE PARKING. On streets or portions thereof, where angle parking is provided, vehicles shall be parked in accordance with the angles designated by painted lines and shall be subject to the restrictions concerning parking as hereinafter set forth. Angle parking is provided for on the following streets:

(a) The south side of 3rd Street and Avenue between East and Ash Streets and between Oak Street and a point 224 feet west of Broadway. (1466 03/24/87)
(b) The north side of 3rd Avenue between Oak Street and a point 230 feet west of Broadway.
(c) The East Side of Oak Street between 3rd and 4th Streets and Avenues.
(d) 4th Street and Avenue between East Street and Birch Street.
(e) The East Side of Walnut Street between Lynn Street and the Baraboo River.
(f) The south side of Water Street between Ash Street and a point 90 feet west of Ash and between points 210 feet east of Rosaline and 425 feet east of Rosaline.
(g) The north side of Water Street between Ash Street and a point 290 feet west of Ash Street.
(h) The East Side of Elizabeth between 5th and 6th Streets.
(i) The south side of 5th Street and Avenue between Birch Street and Broadway and between East Street and a point 348 feet east of East Street.
(j) Both sides of 4th Street and Avenue, between Birch Street and East Street.
(k) The east side of Jefferson Street, between 14th Street and a point 98 feet south of 14th Street and, between 11th Street and a point 150 feet north of 11th Street, and between 8th Street and a point 117 feet south of 8th Street.
(l) The north side of Sauk Avenue between a point 225 feet west of the center line of Case Street and a point 275 feet east of Moore Street.
(m) The north side of 3rd Street between Ash Street and Oak Street. (1904, 5/13/97)
(n) The south side of Winnebago Circle for 147 feet east of Draper Street. (2289 10/28/08)

(3) LIMITED TIME PARKING. Unless specifically otherwise provided, between the hours of 7:30 A.M. and 5:00 P.M., except Saturdays, Sundays, and legal holidays under §895.20 WI Stats., no person shall park a vehicle for any longer than the period herein specified upon the following streets or portions thereof: (1934 04/14/98)

(a) 15 Minutes.

1. The parking space on the west side of Broadway, between 1st Avenue and a point 147 feet north of First Avenue.
2. Four parking spaces on the West side of Broadway between 3rd Avenue and 4th Avenue, in front of the Sauk County West Square Building. (1907, 6/11/97).
3. The first parking space on the west side of Oak Street immediately north of the intersection of 2nd Avenue and Oak Street.
4. The first parking space on the east side of Oak Street immediately south of the intersection of 3rd Street and Oak Street.
5. The second parking space on the south side of 3rd Avenue immediately west of the intersection of Oak Street and 3rd Avenue.
6. The first parking space on the north side of 3rd Street immediately east of the intersection of 3rd Street and Oak Street.
7. The first parking space on the east side of Oak Street immediately north of the intersection of Third Street and Oak Street.
8. The first parking space on the east side of Oak Street immediately south of the intersection of 4th Street and Oak Street.
9. The second parking space on the north side of 4th Street immediately east of the intersection of 4th Street and Oak Street.
10. The second parking space on the north side of 4th Avenue immediately west of the intersection of 4th Avenue and Oak Street.
11. The first parking space on the north side of 4th Avenue immediately east of the intersection of Broadway and 4th Avenue.
12. The first parking space on the west side of Oak Street immediately north of the intersection of 4th Avenue and Oak Street.

13. The first parking space on the east side of Oak Street immediately south of the entrance to the municipal parking lot located at the corner of 5th Street and Oak Street.

14. The first parking space on the south side of 3rd Street immediately west of the intersection of 3rd Street and Ash Street. (1660 11/92, 1599 04/91, 1612 06/91, 1645 06/92)

15. One parking space on the north side of 3rd Avenue, west of Broadway, located between the two driveways leading from 3rd Avenue to the Sauk County West Square Building parking lot. (1907 06/11/97)

16. One parking space on the south side of 3rd Avenue, west of Broadway, located in front of 221 3rd Avenue. (1907 06/11/97)

(b) 30 Minutes.

1. On East Street beginning at a point 70 feet north of the north line of Water Street and running north to a point 92 feet north of the north line of Water Street.

2. On the northerly side of that portion of South Boulevard beginning 95 feet west of the center-line of Hitchcock Street and running thence west 50 feet.

3. On the north side of 4th Avenue, from Birch Street to a point 132 feet east of Birch Street.

(c) Reserved. (1661 11/92)

(d) Two Hours except where a 15 minute or 30 minute time period is specified under subs. (3)(a) and (3)(b) above. (1932 02/24/98)

1. Ash Street from the Baraboo River to 4th Street.(2498 08/28/18)

2. Walnut Street, from Lynn Street to the Baraboo River. (2256 04/24/07)

3. Oak Street, from 1st Street and Avenue to 5th Street and Avenue. (1932 02/24/98)

4. The east side of Oak Street between 5th Street and Avenue and the alley 135 feet north of 5th Street and Avenue.

5. The north side of 2nd Street and Avenue from Ash Street to a point 112 feet west of Oak Street.

6. The south side of 3rd Street and Avenue from Ash Street to a point 230 feet west of Broadway. (1728 04/27/94)

7. 4th Street and Avenue from Ash Street to Broadway.

8. The north side of 4th Street from Ash Street to a point 66 feet east of Ash Street.

9. 5th Avenue from Oak Street to Broadway.

10. The east side of Broadway from 1st Avenue to the alley 132 feet north of 4th Avenue.

11. The west side of Broadway from 2nd Avenue to 3rd Avenue. (1728 04/27/94)

12. The south side of Water Street from East Street to a point 99 feet west of East Street.

13. The north side of 4th Avenue between Broadway and Birch Street from a point 132 feet east of Birch Street, thence east 45 feet, being four parking stalls.

14. The west side of East Street from Water Street south to the Baraboo River. (1662 11/92)

15. The south side of 2nd Street from Ash Street to Oak Street. (1669 11/92)

16. The west side of Oak Street from 5th Street, north to the first mid-block alley. (1690 06/28/93)

17. Reserved.

18. The north side of 3rd Street and Avenue from Ash Street to Broadway. (1728 04/27/94)

19. During the hours of 7:30 AM to 5:00 PM, except Saturdays, Sunday, no person shall park a vehicle for any longer than 2 hours upon the south side of 2nd Avenue from Broadway west approximately 280 feet. (2468 09/26/17)

(e) Four Hour.
1. The north side of 3rd Avenue from Broadway to Birch Street and the south side of 3rd Avenue commencing at a point 230 feet west of Broadway to Birch Street. (1728 04/27/94, 1925 12/16/97)

2. The south side of 2nd Avenue from Oak Street to Broadway. (1689 11/92)

3. The north side of 2nd Avenue, from a point 112 feet west of Oak Street to Broadway.

4. The west side of Broadway from 3rd Avenue to 5th Avenue. (1728 04/27/94)

5. Ash Street, from 4th Street to 5th Street.

6. 5th Street, from Oak Street to Ash Street. 11/92)

(f) Eight Hours. At all hours of the day, except on Saturdays, Sundays and legal holidays, no person shall park a vehicle for any longer than eight hours upon the following streets or portions thereof:

1. 4th Avenue, from Broadway to Birch, except that portion of the north side of 4th Avenue between Birch Street and a point 177 feet east of Birch Street. (1663 11/92)

(g) City of Baraboo Police Vehicles Exempted. City of Baraboo police vehicles may stop, stand, or park irrespective of the provisions of this subsection when the police officer operating the vehicle is engaged in security checks or other police related activities. (1947 08/25/98)

(4) NIGHTTIME PARKING PROHIBITED ON CERTAIN STREETS. No person shall park, stop or leave standing any vehicle, whether attended or unattended, between the hours of 2:00 A.M. and 6:00 A.M. on the following streets or portions thereof:

(a) Ash Street, from 4th Street to the Baraboo River.
(b) Oak Street, from 1st Street to 5th Street.
(c) Broadway, from 1st Avenue to 5th Avenue.
(d) 2nd Street and 2nd Avenue, from Ash Street to Broadway.
(e) 3rd Street and 3rd Avenue, from Ash Street to Birch Street.
(f) 4th Street and 4th Avenue, from Ash Street to Broadway.
(g) 5th Street and 5th Avenue from Ash Street to Broadway.
(h) Walnut Street, from Lake Street and Maple Street to the Baraboo River.

(i) The south side of Lynn Street, from Vine Street to a point 400 feet east of Walnut Street. (1746 06/28/94)

City of Baraboo police vehicles may stop, stand, or park irrespective of the provisions of this subsection when the police officer operating the vehicle is engaged in security checks or other police related activities. (1947 08/25/98)

(5) SPECIAL RESTRICTED PARKING REGULATIONS. No person shall park, stop or leave standing any vehicle, whether attended or unattended, on the following streets or portions thereof: (1897 02/25/97)

(a) Between the hours of 6:00 A.M. and 6:00 P.M., except on Saturdays, Sundays, and legal holidays, on the east side of Lake Street from Walnut Street to the driveway entering the Neco Hammond manufacturing facility.

(b) Between the hours of 7:00 A.M. and 3:30 P.M., except on Saturdays, Sundays, and legal holidays, on the west side of East Street in the area which includes the two parking spaces immediately north of the driveway at 215 East Street and the first parking space immediately south of said driveway.

(c) At all times along the west side of Moore Street beginning at the southern terminus of Moore Street and north therefrom to the south right-of-way line of Sauk Avenue extended. (1988 09/14/99)

(d) From December 1st to March 15th on the north side of 9th Ave. from Birch to Wood St. (2105 12/10/02)

(e) From December 1st to March 15th on the east side of Quarry Street from Lynn Avenue to South Street. (2105 12/10/02, 2128 11/25/03, 2153 06/08/04)

(6) SEASONAL PARKING REGULATIONS. No person shall park in any public street, alley or highway of the City between the hours of Midnight and 3:00 PM from October 1st to April 15th, except that if not otherwise prohibited by this chapter, vehicles may be parked on the streets on the even-numbered side of the street on those nights which in 1:00 A.M. bear an even calendar date, and on the odd-numbered side of the street on those nights which in 1:00 A.M., bear an odd calendar date. This subsection shall not apply on those streets where parking is permitted on one side only or where parking is restricted during the hours of 1:00 A.M. and 6:00 A.M. on one side only. The restrictions of this ordinance shall not apply where §7.09(4) is applicable, and the provisions of that section shall have priority. This section shall not apply to churches or funeral homes during times of
services. Organizations, businesses, and parties affected by this section may apply to the Public Safety Committee for an exemption where it can be shown that the application of the parking restrictions will be unduly burdensome. (1615 07/91; 1856 02/27/96; 2345 10/26/2010)

(7) TWENTY-FOUR HOUR PARKING LIMIT. Except by permits issued by the City, and except as specifically otherwise provided in this Code, no person shall park, stop or leave standing any vehicle, whether attended or unattended, for a longer continuous period than 24 hours in one place upon any street, alley, boulevard or tree bank unless the vehicle is moved at least 90 feet in distance from the original parking space occupied by the vehicle. (1840 11/28/95)

(8) TRUCK PARKING REGULATIONS.

(a) No person shall, at any time, park or leave standing, whether attended or unattended, any semi-trailer, whether or not attached or connected to a truck tractor or road tractor, on any street in any district zoned R-1, R-2, R-3, R-4 or R-5. (1664 11/92)

(b) No person shall, at any time, park or leave standing, whether attended or unattended, any truck tractor or road tractor on any street in any district zoned R-1, R-2, R-3, R-4, R-5, or any other district zoned residential. If a permit is granted by the Administrative Committee, a truck tractor or road tractor may be parked on private property in a residential district if the parked vehicle does not extend into the street yard and if the owner of such vehicle resides on the property where the vehicle is parked. The owner of such vehicle may operate the vehicle on residential streets in order to go to and from his/her resident and designated truck routes. (2034 11/28/00)

(c) The parking restrictions imposed by this subsection shall not apply when a vehicle is parked solely for the purpose of loading or unloading freight to or from the abutting premises. (1544 08/89, 1555 01/90)

(9) PARKING PROHIBITED ON 8TH STREET AND 8TH AVENUE. (1993 11/09/99)

(a) No person shall park, stop, or leave standing any vehicle, whether attended or unattended, on any portion of 8th Street and 8th Avenue, except this restriction shall not apply to the following vehicles while temporarily stopped or left standing for the purpose of making a pickup or delivery to or from an abutting premises or while engaged in street or sidewalk maintenance or repair work, or the installation of public or utility improvements along 8th Street and 8th Avenue:

1. City garbage collection vehicles.
3. Postal Service vehicles.
4. Utility and telecommunication company vehicles.
5. By written permit issued by the Police Department.

(b) A vehicle delivering home heating fuel oil or L.P. gas to a property fronting on 8th Street and 8th Avenue may be temporarily stopped or left standing along 8th Street and 8th Avenue for the purpose of delivering home heating fuel oil or L.P. gas provided the following conditions are satisfied:

1. There must be no other reasonably accessible point for the delivery of such fuel to a residence or business fronting on Eighth Street or Eighth Avenue except by parking the delivery vehicle on 8th Street or 8th Avenue; and
2. The delivery vehicle shall be equipped with and shall display a lighted flashing amber lamp of the dome type or two flashing lighted amber lamps one showing to the front and one showing to the rear. Such lamps shall be mounted approximately midway between the extremities of the width of the delivery vehicle and at the highest practical point and shall be used only for the purpose of warning operators of other vehicles of the presence of the traffic hazard. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night; and
3. The operator of the delivery vehicle shall display warning devices upon the street during the time the vehicle is left standing and such devices shall be placed as provided in §347.29, Wis. Stats. (1468 04/87, 1544 08/89, 1646 06/92)

(10) PARKING IN ALLEYS REGULATED. All parking in alleys is prohibited except as follows:

(a) Parking in alleys in the business district solely for the purpose of loading or unloading freight.
(b) Parking on the west side of the Hilltop Court Alley.

(11) PARKING IN DRIVEWAYS PROHIBITED. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to prohibit parking.

(12) STREET MAINTENANCE. Whenever it is necessary to clear or repair a City roadway or any part thereof, the Street Department shall post such highways or parts thereof with appropriate signs prohibiting parking. Such signs shall be erected at least 2 hours prior to the time that street maintenance work is to commence. No person shall park a motor vehicle in violation of such signs.

(13) DESIGNATED PARKING SPACES. The Street Superintendent shall have lines or markings painted upon the curb and/or upon the street or parking lot surface for the purpose of designating a parking space. It shall be unlawful to park any vehicle across any line or marking or to park a vehicle in such position that the same shall not be entirely within the area designated by such lines or markings. (2033 11/14/2000)

(14) REMOVAL OF CHALK MARKS PROHIBITED. In order to monitor the continuous length of the time that a vehicle is parked in a parking space or zone subject to parking time restrictions, it is necessary that the Police Department places a chalk mark or other mark on one or more tires of parked vehicles. It shall be unlawful to remove, erase or alter, or attempt to remove, erase or alter, any chalk mark or other mark of any kind placed upon any tire of a vehicle parked in any parking zone or space subject to parking time restrictions.

(15) LEGAL HOLIDAYS DESIGNATED. For purposes of enforcement of parking restrictions in the City, the following days shall be defined as legal holidays:

- New Years Day
- Independence Day
- Thanksgiving Day
- Memorial Day
- Labor Day
- Christmas Day

Legal Holiday specified under §995.20 WI. Stats. (1934 04/14/98) provided, however, that, in the event any of said days falls on a Sunday, the following Monday shall be deemed to be the legal holiday. (1481 11/24/87)

(16) RESERVED PARKING FOR OFFICIALS. (1534 03/02/89, 2494 07/10/2018)

(a) It is necessary that certain City, County, State and other public employees have reserved parking spaces for their vehicles in City parking lots and on certain city streets in order to allow efficient access to and from public buildings. Therefore, when a parking space in any City parking lot, or City street designated by a distinct sign indicating that the parking space in front of the sign is reserved parking for a City, County, State or other public employee or department, no person shall park or leave standing any vehicle in any part of the reserved space.

(b) The following officials, departments, and department heads shall have a reserved parking space in the City parking lot or in the Alma Waite Annex parking lot located north of the Municipal Building:


(c) Except between the hours of 2:00 A.M. and 6:00 A.M. daily, the limited time parking restrictions applicable in the Central Business (B-1) District shall not apply to marked law enforcement vehicles and marked conservation vehicles of the State of Wisconsin or a political subdivision of the State. A vehicle shall be deemed a marked vehicle under this subsection if it meets one of the following criteria: (1872 05/28/96)

1. Displays license plates showing the law enforcement star; or
2. Prominently displays on the exterior of the vehicle an identifying law enforcement agency decal, logo or name; or
3. Displays inside the vehicle so as to be visible from the front of the vehicle a law enforcement parking permit issued by the Baraboo Police Department.

(d) The following officials, departments, and department heads shall have a reserved parking space in the Civic Center parking lot in the area west of the maintenance building:

- City Parks Department - 3 spaces
- Vocational Center - 1 space
- Head Start - 1 space
(e) The following parking spaces shall be reserved for the parking of fire department personnel for emergency calls on a 24-hour basis:

The west side of Ash Street between 4th Street and 5th Street. (1802 04/11/95)

(f) The following officials, departments, and department heads shall have a reserved parking space in the City public parking lot located at the southeast corner of 5th Avenue and Birch Street: Baraboo Public Library staff - 7 spaces (1840 11/28/95)

(g) Two parking spaces on the south side of 2nd Street in front of the Baraboo Civic Center shall be reserved for parking for the Wisconsin Department of Transportation on the day each week that the Department leases space from the City in the Baraboo Civic Center. (1976 05/18/99)

(h) Thirteen (13) parking spaces shall be reserved for Sauk County Land Conservation and Planning and Zoning Department staff vehicles on a 24-hour basis along the eastern boundary of the City parking lot located on the north side of 5th Avenue between Oak Street and Broadway.” Attorney Note: See Resolution No. 99-225 for parking conditions. (2008 03/28/2000)

(17) RESTRICTED PARKING DURING SNOW EMERGENCIES. (1497 03/22/88, 1615 07/09/91)

(a) Whenever the Mayor finds, on the basis of falling snow, sleet or freezing rain, or on the basis of a national weather forecast of snow, sleet or freezing rain, that vehicle traffic in the City is threatened and that parking on certain City streets should be prohibited, he may declare a snow emergency.

(c) When the Mayor declares a snow emergency, he shall cause such declaration to be publicly announced by means of radio broadcasts from a station with a normal operating range covering the City, and he may cause such declaration to be further announced in the News Republic when feasible. Each announcement shall describe the action taken by the Mayor, including the time it became or will become effective, and shall specify the streets or areas affected. A parking prohibition declared by the Mayor under this section shall not go into effect until at least two hours after it has been announced at least two times between 6:00 A.M. and 11:00 P.M. on any day; provided, however, that one announcement in a newspaper of general circulation shall be sufficient. The Mayor shall make or cause to be made a record of each time and date when any declaration is announced to the public under this section.

(c) Immediately upon the declaration by the Mayor of a snow emergency on certain streets, the Street Superintendent shall install signs or barricades in the streets falling within the area designated. (2033 11/14/2000)

(d) No person shall operate, park, stop or leave standing a vehicle on any street declared closed under this subsection.

(e) Any vehicle parked in violation of this subsection may be impounded in accordance with §7.10 of this Code.

(18) ISSUANCE OF PARKING PERMITS TO CONTRACTORS. (1559 02/13/90, 1615 07/09/91)

(a) Upon application of any contractor engaged in a construction project at premises abutting a restricted parking area, the Chief of Police or his designee may issue a special parking permit to the contractor allowing the parking of a vehicle in a restricted parking area for a period not exceeding the estimated time required to complete the construction project, provided that no special parking permit shall be valid for more than 30 days, at which time it may be renewed by the Chief of Police. For the purposes of this subsection, the Contractor shall be the holder of and responsible for the use and misuse of the special parking permit.

(b) Whenever a special parking permit is issued to a contractor, an appropriate temporary sign or signs shall be erected designating the parking space assigned to the contractor.

(c) In determining whether to issue a special parking permit under this section, the Chief of Police shall consider traffic conditions, traffic safety, safety of pedestrians, the burden on other nearby premises or businesses, and the need of the contractor for the special place.
A report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.

2. If the owner of the vehicle provides a traffic officer with the name and address of the person who is in control of the vehicle at the time of the violation and the person so named admits having the vehicle under his or her control at the time of the violation, then that person and not the owner shall be charged with the violation.

3. If the vehicle is owned by a lessor of vehicles, and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer with the information specified in §343.46(3), Wis. Stats., then the lessee and not the lessor shall be charged with the violation.

4. If the vehicle is owned by a dealer as defined in §340.01(11) (intro.) Wis. Stats., but including the persons specified in §340.01(11)(a) to (d) and at the time of the violation, the vehicle was under the control of any person on a trial run, and if the dealer provides a traffic officer with the name, address and operator's license number of that person, then that person and not the dealer shall be charged with the violation.

The following are defenses to a violation of subsection (b):

1. A report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.

2. If the owner of the vehicle provides a traffic officer with the name and address of the person who is in control of the vehicle at the time of the violation and the person so named admits having the vehicle under his or her control at the time of the violation, then that person and not the owner shall be charged with the violation.

3. If the vehicle is owned by a lessor of vehicles, and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer with the information specified in §343.46(3), Wis. Stats., then the lessee and not the lessor shall be charged with the violation.
(1840 11/28/95, 1845 12/12/95, 1928 01/13/98)

(a) Two Hours.

1. The City parking lot located at the southeast corner of the intersection of 5th Avenue and Birch Street (behind the Public Library).
2. The City parking lot located on the south side of 4th Street between Oak Street and Ash Street.

(b) 24 Hours.

1. All City parking lots not identified under sub. (a) above, except that no person shall park, stop, or leave standing any vehicle, whether attended or unattended between the hours of 2 a.m. and 6 a.m. in any of the parking lots within the following City parks: (2048 02/21/2001)
   - Attridge Park
   - Upper Ochsner Lot
   - Campbell Park Auxiliary Lot (tennis courts)
   - Northeast Park Lot
   - Campbell Park Main Lot (pool)
   - Pierce Park Lot
   - Lower Ochsner Lot
   - Mary Rountree Lot

(21) PARKING PROHIBITED IN FIRE LANES OR NEAR FIRE HYDRANTS. (2030 09/12/2000)

(a) No person shall stop or leave any motor vehicle standing in any of the following places except temporarily for the purpose of and while actively engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic:

1. In any designated fire lane, whether on public property or private property.
2. Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.

(b) In addition to authorized Police Department personnel, the Fire Chief, and each Fire Inspector of the City shall be authorized to issue parking citations for violations of this subsection.

(c) The Fire Chief shall be authorized to grant temporary approval to obstruct a fire lane for a construction project on such terms and conditions as the Fire Chief determines is in the public health, safety, and general welfare.

(22) ISSUANCE OF PARKING PERMITS TO MERCHANTS. (2403 09/24/2013)

(a) Upon application of any merchant whose customers remain on-premise for more than four consecutive hours for purpose of purchasing merchandise or for the purpose of attending a training session for merchandise that is sold at their premises abutting a restricted parking area, the Chief of Police or his designee may issue a special annual parking permit to the merchant allowing the periodic parking of their customer’s vehicle in a restricted parking area for a period not exceeding the time required to complete the purchase or training session. For the purposes of this subsection, the Merchant shall be the holder of and responsible for the use and misuse of the special parking permit.

(b) Whenever a special parking permit is issued to a merchant, the merchant shall have their customer display the permit on their vehicle’s dashboard during the time the vehicle is parked. The merchant shall be responsible for retrieving the permit from their customer at the conclusion of their purchase or training.

(c) In determining whether to issue a special parking permit under this section, the Chief of Police shall consider traffic conditions, traffic safety, safety of pedestrians, the burden on other nearby premises or businesses, and the need of the merchant for each special permit.

(d) An annual fee shall be charged to the merchant for each permit as provided in Ch. 4.

7.10 REMOVAL OF ILLEGALLY PARKED VEHICLES. Any vehicle parked or left standing upon a high-way, street, or alley or other public grounds in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of any police officer, to a position where parking, stopping or standing is not prohibited. Any police officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is not prohibited.

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 vehicle in any storage garage or rental parking grounds.
or any facility of the person providing the towing services. In addition to other penalties provided by §7.24 and 7.25 of this chapter, the owner or operator of a vehicle so removed shall pay the cost of towing and storage.

7.11 ABANDONED VEHICLES. (2276 03/25/08)

(1) ABANDONMENT OF VEHICLES PROHIBITED. No person shall abandon any vehicle unattended within the City for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

(2) DEFINITION. As used in this section, "vehicle" means a motor vehicle, trailer, semi-trailer or mobile home as defined in §7.01 of this chapter, whether or not such vehicle is registered under Ch. 341, Wis. Stats.

(3) PRESUMPTION OF ABANDONMENT. Any vehicle left unattended for more than 48 hours on any public street or grounds, or on private property where parking is prohibited, limited or restricted, without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance; provided that the vehicle shall not be deemed abandoned under this section if left unattended on private property out of public view, by permission of the owner or lessee.

(4) EXCEPTIONS. This section shall not apply to a vehicle in an enclosed building or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the City.

(5) REMOVAL AND IMPOUNDMENT OR SALE. Any vehicle found abandoned in violation of this chapter shall be impounded by the Police Department until lawfully claimed or disposed of as provided in this section. If the Chief of Police or his/her duly authorized representative determines that towing costs and storage charges for 10 days, as provided in Sub. (6) below, would exceed the value of the vehicle, the vehicle may be junked or transferred in exchange for towing and storage charges to the contracted towing company prior to the expiration of the impoundment period upon determination by the Chief of Police that the vehicle is not wanted for evidence or any other reason; provided that vehicles in excess of 19 model years of age shall be sold or disposed of by auction sale or sealed bid in accordance with Sub. (8) below.

(6) MINIMUM IMPOUNDMENT PERIOD. The minimum period of impoundment or storage of a vehicle found in violation of this section shall be 10 days.

(7) NOTICE TO OWNER. The police officer removing or causing the removal of any vehicle found in violation of this section shall immediately notify the Chief of Police, or his/her duly authorized representative, of the abandonment and location of the impounded vehicle by completing a police report on the action. The Chief of Police or his/her duly authorized representative, shall within 10 days thereafter notify the owner 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 §342.40(3), Wis. Stats., and shall state that the failure of the owner to exercise their right to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle.

(8) SALE. Each retained vehicle not reclaimed by the owner and not disposed of by Sub. (5), above, may be disposed of by sealed bid or auction sale as provided in §342.40(3), Wis. Stats.

(9) 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.

(10) PURCHASER TO REMOVE VEHICLE. The purchaser of any vehicle on sealed bid or auction sale under Sub. (8) above shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee as set forth in the City's Official Fee Schedule 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.

(11) REQUEST FOR LIST. Any listing of vehicles to be sold pursuant to this section shall be made available by the City Clerk to any interested person or organization that makes a request.

(12) NOTICE TO DEPARTMENT. Within 5 days after the sale or disposition of a vehicle under this section, the Police Department shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.

(13) OWNER MAY FILE CLAIM. At any time within 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 Council setting forth such facts as are necessary to establish such ownership or 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 Council 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 City Treasury as the result of the sale of such motor vehicle, nor the amount of interest of the claimant therein.

(14) 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 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 City together with a fee for the cost of towing and junking charges and shall be exempt from the provisions of this section. When so requested by the owner or person in
7.12 DISPLAY OF POWER PROHIBITED.

(1) No person shall make or cause to be made any unreasonably loud, disturbing, annoying, or unnecessary noises with a motor vehicle by the squealing or spinning of tires, revving, racing, or excessive acceleration of the engine, blowing of the horn, intentionally causing the engine to backfire, or by emitting unnecessary and loud exhaust system noises such as may tend to annoy or unreasonably disturb a person of ordinary sensibilities in or about any public street, alley, park, or in the surrounding neighborhood. (2130 12/09/03)

(2) Use of brakes that are activated by the compression of the engine (compression brakes, e.g. “a jake brake” or “Jacob’s brake”) within the City limits is prohibited, except in the event of an emergency. (2158 07/27/04)

7.13 OBSTRUCTION OF RAILROAD CROSSINGS.

(1) TIME LIMITATIONS. It shall be unlawful to stop any railroad train, locomotive or railroad car upon or across any highway or street crossing or to cause obstruction of vehicular traffic on public streets at such crossing by the stopping, leave standing, switching or otherwise maintaining constant railway use at such crossing longer than 10 continuous minutes, or for more than 7 minutes out of any 12 continuous minutes.

(2) PENALTY. Either the owner or any conductor, engineer, switchman, brakeman or other employee or agent in charge of, or otherwise responsible for, such offending railroad locomotive or car who shall violate the provisions of this section shall, upon conviction, pay the City a forfeiture of not less than $50 nor more than $150 for each such violation, and a violation for each 12 minute period shall constitute a separate offense, plus the costs of prosecution, and in default of payment shall be imprisoned not less than 5 days nor more than 15 days in the County Jail.

(3) DEFENSE TO VIOLATION. It shall be a defense to any prosecution under this Section if the obstruction is caused by an accident or a condition totally beyond the control of the operators of the train.

7.14 TRAFFIC AND PARKING REGULATIONS ON AND ADJACENT TO SCHOOL DISTRICT GROUNDS. Pursuant to the provisions of §118.105, Wis. Stats., the following regulations shall apply on off-street school premises and streets adjacent to or near a school premises within the City. (2466 09/26/17)

(1) PARKING. All parking on grounds of the Baraboo School District from 7:30 A.M. to 4:30 P.M. shall be by permit only and shall be restricted to areas designated for parking by the School Board. When signs are erected by the School Board giving notice of such restrictions, no person shall park a motor vehicle in an area other than one for which he shall have been issued a permit nor without displaying a valid permit. All authorized visitors shall park only in areas designated and signed for visitor parking.

(2) SPEED LIMITS. No person shall at any time operate a motor vehicle upon the Baraboo School District grounds at a speed in excess of 15 miles per hour.

(3) VEHICLE PARKING PROHIBITED AT SPECIFIED TIMES. (1951 10/13/98)

(a) During the hours of 7:30 A.M. to 4:30 P.M. on school days, no person shall park, stop, or leave standing, whether attended or unattended, except school buses temporarily for the purpose of and while engaged in loading or unloading or in receiving or discharging passengers on the following streets: (1573 09/25/90)

1. The south side of 6th Avenue beginning at the west line of Center Street and running thence west 96 feet.

2. The north side of 5th Avenue beginning at the east line of Angle Street and running thence east 125 feet. (2306 05/26/2009)

3. The east side of Wheeler Street between 6th Street and 8th Street. (2289 10/28/2008)

4. The north side of 5th Street adjacent to St. John’s Lutheran School starting at a point 180 feet west of the intersection of 5th Street and Elizabeth Street and running thence west 52 feet. (1835 10/24/95)

(b) During the hours of 7:30 A.M. to 3:30 P.M. on school days, no person shall park, stop, or leave standing, whether attended or unattended, except school buses temporarily for the purpose of and while engaged in loading or unloading or in receiving or discharging passengers on the following streets: (1573 09/25/90, 1546
1. The east side of Draper Street beginning at the intersection of Draper Street and 9th Avenue and thence north to the north intersection of Draper Street and Winnebago Circle. (1546 10/24/89, 1890 12/03/96, 2169 12/14/2004)

2. The west side of Draper Street beginning at the intersection of Draper Street and 8th Avenue and thence north to the south driveway leading to the Baraboo Middle School. (2169 12/14/2004)

3. The north side of 9th Avenue between Park Street and Draper Street. (2169 12/14/2004)

4. The south side of 9th Avenue beginning at the intersection of 9th Avenue and Draper Street and thence west to Berkeley Boulevard. (2169 12/14/2004)

5. During the hours of 7:30 A.M. to 3:30 P.M. on school days, no person shall park, stop, or leave standing, whether attended or unattended, except school buses temporarily for the purpose of and while engaged in loading or unloading or in receiving or discharging passengers, on the East side of Winnebago Circle, except that portion of Winnebago Circle designated for two-hour parking pursuant to §7.14(4) of this Code. (1708 11/16/93, 2169 12/14/2004, 2400 08/13/2013)

6. During the hours of 7:30 AM to 3:30 PM on school days, no person shall park, stop, or leave standing, whether attended or unattended, except temporarily for the purpose of and while engaged in receiving or discharging passengers, on the north side of 9th Avenue between Draper Street and Berkley Blvd. and the east side of Berkley Blvd. north of 9th Avenue.

(c) During the hours of 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m. on school days, no person shall park, stop, or leave standing any vehicle, whether attended or unattended, except school buses temporarily for the purpose of and while engaged in loading or unloading or in receiving or in discharging passengers on the following streets: [School day loading area parking restrictions.] (2103 10/22/2002)

1. On the east side of East Street from the intersection with Second Street to a point 88 feet south of that intersection. (2289 10/28/2008)

2. Within the first 315 feet of the south side of 6th Avenue, east of the intersection with Angle, adjacent with West School. (2213 10/25/2005)

(d) During the hours of 7:30 a.m. to 8:30 a.m. and 2:30 p.m. and 3:30 p.m. on school days, no person shall park, stop, or leave standing any vehicle, whether attended or unattended, except temporarily for the purpose of and while engaged in loading or unloading or in receiving or in discharging passengers on the following streets:


4. PARKING PROHIBITED AT SPECIFIED TIMES. During the hours of 7:30 a.m. to 3:30 p.m., during school days, no person shall park, or leave standing, any vehicle, whether attended or unattended, for a longer continuous period than two hours, on the following streets: (1547 10/24/89, 1548 10/24/89, 1951 10/13/98, 2169 12/14/2004)

(a) The east side of Draper Street beginning at the intersection of Draper Street and 8th Avenue and thence north to 9th Avenue.

(b) The east side of Draper Street beginning at the north intersection of Draper Street and Winnebago Circle and thence north to the intersection of Draper Street and Algonquin Drive.

(c) The west side of Draper Street beginning at the south driveway leading to the Baraboo Middle School and thence north to the north driveway leading to the Baraboo Middle School.

(d) Both sides of Winnebago Circle, beginning at the southern intersection of Draper Street and Winnebago Circle
at the point where Draper Street and Winnebago Circle intersect and following the centerline of Winnebago Circle there from to a point 300 feet.

(5) **PARKING PROHIBITED AT ALL TIMES.** No person shall park, or leave standing any vehicle, whether attended or unattended, on the following streets: (2169 12/14/2004)

(a) Both sides of 9th Avenue beginning at the intersection of 9th Avenue and Draper Street and thence east 102 feet.

(b) The west side of Berkeley Boulevard beginning at the intersection of Berkeley Boulevard and 9th Avenue and thence north 544 feet.

(c) The east side of Berkeley Boulevard beginning at the intersection of Berkeley Boulevard and 9th Avenue and thence north 54 feet and also the east side of Berkeley Boulevard beginning at a point 216 feet north of the intersection of Berkeley boulevard and 9th Avenue and thence north to the City limits.

(6) **ONE-WAY TRAFFIC.** No person shall operate a motor vehicle contrary to the one-way traffic signs posted on any school drive. (1547 10/24/89, 2169 12/14/2004)

(7) **CROSSING GUARDS - APPOINTMENT.** The Chief of Police shall be responsible for the appointment of adult crossing guards pursuant to §349.215, Wis. Stats. (1548 10/24/89, 2169 12/14/2004)

(8) **PARKING OF ANY VEHICLE PROHIBITED AT SPECIFIED TIMES.** During the hours of 7:30 A.M. to 4:30 P.M., during school days, no person shall park, stop or leave standing any vehicle, including school busses, whether attended or unattended and whether temporarily or otherwise, on the following streets: (2169 12/14/2004)

(a) **Reserved** (1721 03/01/94, 1873 07/23/96, 2303 04/28/2009)

(b) The south side of Mulberry Street in front of South School starting at the driveway entrance leading to and from the South School east parking lot and running thence east 50 feet. (2102 10/22/2002)

(9) **U TURNS PROHIBITED.** No person shall turn his or her vehicle so as to proceed in the opposite direction on Mulberry Street in that portion of Mulberry Street in front of South School beginning at the west property line of the South School Mulberry Street parking lot and proceeding east there from to the east Mulberry Street/Grove Street crosswalk. (2053 04/10/2001)

(10) **LEFT TURNS RESTRICTED.** No person shall make a left hand turn of his or her vehicle between the hours of 3:00 P.M. to 3:30 P.M. from the High School parking lot north on to Draper Street or east on to Ninth Avenue or from the Middle School parking lots north on to Draper Street. (2194 04/26/2005)

### 7.15 **REGULATION AND LICENSING OF BICYCLES.** (2418 08/12/2014)

1. **DEFINITION.** The term "bicycle", as used in this section, shall mean a device propelled by the feet acting upon pedals and having wheels, any two of which are not less than 14 inches in diameter.

2. **REGISTRATION REQUIRED.** No resident of the City shall ride or use a bicycle with wheels of 20 inches or more upon any public street, highway, alley or sidewalk in the City unless the same shall have been registered and licensed as herein provided.

3. **REGISTRATION.** Registration shall be made by filing an application with the Police Department setting forth the name and address of the owner together with a complete description of the bicycle and paying the registration and license fee hereinafter provided. Upon registration, the Police Department shall issue an identification tag that shall be affixed to the bicycle in a place determined by the Police Department. Such identification tag shall remain so affixed to the bicycle unless removed by order of a court.

4. **BICYCLE REQUIRED TO BE IN SAFE CONDITION.** No bicycle shall be registered that is not in safe mechanical condition and legally equipped.

5. **LICENSE FEE.** The license fee for each bicycle shall be as set forth in the City's Official Fee Schedule if the license is obtained during the first year and as provided in the Official Fee Schedule if the license is obtained during the second year. The license period shall be two years, commencing on January 1 of odd numbered years and terminating on December 30th of even numbered years. (1579 02/12/91)

6. **LICENSE TRANSFER.** Within two days after any bicycle registered hereunder shall have changed ownership, the purchaser of the bicycle shall report such information to the Police Department. No fee shall be charged for a transfer of ownership during a license period.
(7) RULES FOR OPERATION OF BICYCLES.

(a) Every person operating a bicycle in the City shall be subject to all applicable provisions of this chapter and to applicable State Statutes relating to equipping and operating bicycles.

(b) No person over 8 years of age shall operate a bicycle on City sidewalks, and no person shall operate a bicycle with wheels over 20 inches on any sidewalk. Bicycles permitted on sidewalks shall be operated at a low rate of speed and shall yield the right-of-way to pedestrians. This subsection shall not apply to police bikes operated by City of Baraboo police officers while engaged in security checks or police related activities. (1948 08/25/98)

(8) WARNING. The first time a child is detained by a law enforcement officer for violation of any of the provisions of this section, his parent, guardian or person having such legal custody may be advised as to the provisions of this section and further advised that any violation of this section occurring thereafter by this child or any other child under his care or custody may result in a penalty being imposed as hereinafter provided.

(9) PENALTIES.

(a) Persons Under 16 Years of Age. Any person under 16 years of age who violates any of the provisions of this section shall be reprimanded at the discretion of the police officer in a manner prescribed as follows:

1. The officer may, when appropriate, issue a warning card to the parents of a juvenile who is detained for a violation of any of the provisions of this section, informing them of the violation.

2. The violation shall be considered a matter of record and the appropriate police department juvenile incident report completed for referral to the juvenile division. At that time a determination will be made as to whether to refer the matter to the juvenile court for further action or to summon the offender, accompanied by a parent or guardian, to police headquarters to discuss the nature of the violation, or

3. The violation shall not be considered a matter of record and the bicycle shall be impounded for a period of time not to exceed 30 days.

(b) Persons 16 Years of Age or Over. Any person 16 years of age or over who violates any of the provisions of this section shall be reprimanded or cited at the discretion of the police officer in a manner prescribed as follows:

1. The violation shall not be considered a matter of record and the bicycle shall be impounded for a period of time not to exceed 30 days, or

2. For any violation of Ch. 346, Wis. Stats., which are applicable to bicycles, the violator will be issued the uniform traffic citation and be required to appear in traffic court or, if over 18 years of age, post bond in the amount as prescribed by the uniform bond schedule.

(c) Persons 18 Years of Age or Over. Any person 18 years of age or over who violates any of the provisions of this section shall be issued a department citation and be required to appear in traffic court or post bond in an amount to be determined by the officer.

(10) IMPOUNDING. Whenever any bicycle shall be impounded for violations of the provisions of this section, it shall be surrendered at the Police Department at the expiration of the impoundment period to the parents or the guardian of the offender. In the case of the seizure of a bicycle because it has been found in the possession of a person not the legal owner thereof and the bicycle is not reclaimed by the legal owner thereof, it shall be sold at public auction after the expiration of 120 days from the date of seizure. Notice containing a description of the bicycle shall be published in a newspaper circulating in the City at least one week prior to the date of the sale. The proceeds of the sale shall be remitted to the City Treasurer.

(11) The consumption of alcohol on commercial quadricycles is prohibited.

7.16 SNOWMOBILES.

(1) STATE SNOWMOBILE LAWS ADOPTED. Except as otherwise specifically provided in this section, the statutory provisions in Chs. 350, Wis. Stats., describing and defining regulations with respect to snow-mobiles, 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 Code as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the statutory regulations in Chapter 350 incorporated herein are intended to be made part of this section. (1786 01/24/95)

(2) APPLICABILITY OF RULES OF THE ROAD TO SNOWMOBILES. The operator of a snowmobile upon a roadway shall, in addition to the provisions of Ch. 350, Wis. Stats., be subject to §346.04, 346.06, 346.11 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46,346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1), (6), (6m) and (9), Wis. Stats.

(3) SNOWMOBILE ROUTES DESIGNATED. Except as provided in §350.02 and 350.03, Wis. Stats., or except as authorized by a duly adopted resolution of the Common Council, no person shall operate a snow-mobile upon any public right-of-way or on any other public or private property within the City. (1786 01/24/95)

(4) PERMITTING OPERATION BY IMPROPER PERSONS PROHIBITED. No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snow-mobile who is not permitted under State law to operate such snowmobile or who is under the influence of an intoxicant or a dangerous or narcotic drug.

(5) OPERATION WHILE UNDER THE INFLUENCE PROHIBITED. §346.63, Wis. Stats., shall apply to the operation of a snowmobile any place within the City.

(6) OPERATION ON SIDEWALKS OR MALLS PROHIBITED. No person shall operate a snowmobile on any sidewalk, pedestrian way or mall within the City, except that sidewalks may be crossed at a right angle to gain access to property where operation is permitted under this section.

(a) Regulation of Skateboards, Roller Skates, Scooters, and Similar Play Vehicles:

1. Definition of “Scooter.” In this subsection, the term “scooter” shall not include a gas motorized scooter and the term “play vehicle” shall not include a gas motorized scooter, gas motorized vehicle, or any gas motorized riding device.

2. Regulations on Streets. No person shall roller skate or ride or operate a skateboard, scooter, or other similar play vehicle on any public street except for the purpose of crossing the street. The rules relating to pedestrians crossing streets shall apply to persons crossing a street on roller skates, a skateboard, a scooter, or other similar play vehicles. No person crossing a street on roller skates, skateboard, scooter, or play vehicle shall travel too fast for safety under the conditions existing.

3. General Regulations on Sidewalks. No person shall roller skate or ride or operate a skateboard, scooter, or other similar play vehicle in a reckless manner on any public sidewalk or without exercising due care for the safety of other persons using the sidewalk. Any person roller skating or operating a skateboard, scooter, or other similar play vehicle on sidewalks and/or bike paths shall yield the right-of-way to any pedestrian upon the sidewalk or bike path.

No person shall use or place a ramp, jump, or any other device used to force a skateboard, scooter, or other play vehicle off the pavement in such a location on a public sidewalk so as to block or obstruct the use of the sidewalk by any pedestrian. No more than one person shall operate or ride on a skateboard, scooter, or play vehicle at one time.

4. Prohibited Areas. No person shall roller skate or ride a skateboard, scooter, or other similar play vehicle in the following areas:

a. All streets, sidewalks, alleys, public parking lots, or public grounds within the following boundaries:
The center line of Birch Street on the west.

The center line of 5th Avenue on the north.

The center line of Ash Street on the east.

The center line of 1st Avenue on the south.

b. On the premises of any business, residence, or other private property in violation of a sign positioned to provide notice and which contains the words “No Skate-boarding” or any other word or combination of words indicating that roller skating or operation of a skateboard, scooter, or other similar play vehicle is prohibited.

c. The grounds of the Baraboo Public Library.

5. Other Regulations. No person shall roller-skate, or operate, or ride a skateboard, scooter, or similar play vehicle so as to attach or cling to any vehicle or bicycle upon any street, alley, or public or private property within the City.

6. Warning. For a first offense, a written warning may be issued to the offender and no fine shall be imposed. If the offender is under the age of 18 years, his/her parent, guardian, or person having legal custody of the offender may be notified of the violation and further advised that any future violation by the child of this section may result in a penalty being imposed as hereinafter provided. This notice may be personally delivered or mailed by first class mail. (2151 04/27/04)

7. Penalties. Any person violating any of the provisions of this section after a written warning has been issued as provided in Subs. (a)6 above shall, upon conviction, be subject to a penalty as provided in §25.04 of this Code. (2151 04/27/04)

8. Impounding. In addition to the penalty provided in Subs. (a)7 above, the Police Department may, for a second or subsequent offense, after issuing the first offense warning as provided in Subsection (a)6, require the offender to surrender his/her roller skates, skateboard, scooter, or other similar play vehicle to the Police Department for a period of not less than 30 days. If the roller skates, skateboard, scooter, or other similar play vehicle is not reclaimed by the legal owner thereof at the end of the 30-day period, it may be sold at public auction after the expiration of 120 days from the date of seizure and the proceeds of the sale shall be remitted to the City Treasurer (2151 04/27/04)

(2) REGULATION OF IN-LINE SKATES: (2151 04/27/04)

(a) State Laws Applicable. Every person using in-line skates upon a public roadway shall be subject to the provisions of all ordinances and state laws applicable to the operator of any vehicle, except those provisions with reference to equipment of vehicles and except those provisions that by their nature would have no application.

(b) Regulation of In-Line Skates on Sidewalks. Every person using in-line skates upon a sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care when passing any other persons proceeding in the same direction. No person shall use in-line skates on any sidewalks within that portion of the City zoned as B-1 Central Business District.

(c) Use of In-line Skates on Certain Streets Prohibited. No person shall use in-line skates on the following streets:

1. All streets located in that portion of the City zoned as B-1 Central Business District.
2. All State Trunk Highways located with in the corporate limits of the City.
3. All of 8th Street, 8th Avenue, Broadway, South Boulevard, Ash
(d) **In-line Skaters to Stay on Right Side of Roadway.** Every person using in-line skates on a public road- way shall keep as close to the right hand curb as possible.

(e) **Clinging to Moving Vehicles Prohibited.** No person using in-line skates shall cling to or attach to any motor vehicle, bicycle, or other moving vehicle upon a public roadway.

(f) **Observance of Traffic Regulations.** Every person using in-line skates upon a public roadway shall stop for all arterial and automatic traffic signals.

(g) **Observance of One-Way Streets.** Every person using in-line skates upon a public roadway of a one-way street shall proceed in the direction of the one-way traffic.

(h) **Operating Two-Abreast Prohibited.** Every person when using in-line skates upon a public roadway shall proceed in single file only.

(i) **Lighting Required During Hours of Darkness.** Any person using in-line skates upon a public road- way during hours of darkness shall carry a lamp emitting a white light visible from a distance of at least 500 feet and shall further wear red reflectorized warning devices which are visible both front and back for a minimum distance of 500 feet.

(j) **Use of In-line Skates by Persons under 10 Years Prohibited.** No person ten (10) years of age or younger shall use in-line skates upon a public roadway.

(k) **Yielding to Traffic.** The operator of a vehicle shall yield the right of way to a user of in-line skates in the same manner as for bicyclists and pedestrians under §§346.23, 346.24, 346.37, and 346.38 of the Wisconsin Statutes. Every person, when using in-line skates, shall, upon entering a public roadway, yield the right-of-way to motor vehicles, except that a person using in-line skates shall be subject to the same regulations as bicyclists and pedestrians under §§346.23, 3346.24, 346.37, and 346.38 of the Wisconsin Statutes.

(l) **Warning.** Same as for Bicycles under §7.15(8) Code.

(m) **Penalties.** Same as for Bicycles under §7.15(9) Code.

(n) **Impounding.** Same as for Bicycles under §7.15(10) Code.

### 7.18 SPECIAL OR SEASONAL WEIGHT LIMITATIONS ON CITY STREETS, BRIDGES AND CULVERTS.

1. **STREET SUPERINTENDENT GRANTED AUTHORITY TO IMPOSE SPECIAL OR SEASONAL WEIGHT LIMITATIONS.** The Street Superintendent is designated as the officer in the City of Baraboo granted the powers authorized by §349.16, Wis. Stats. (2033 11/14/2000)

2. **SIGNS.** In carrying out the authority granted by this section, the Street Superintendent shall erect appropriate signs in accordance with §349.16(2), Wis. Stats. (1562 02/90, 2033 11/14/2000)

### 7.19 SPECIAL USE OF CITY STREETS AND SIDEWALKS (1891 12/03/96, 2204 09/13/2005).

1. **DEFINITION OF SPECIAL USE.** A special use shall mean an occasion or activity which will limit or restrict the public use of streets, rights-of-way, or sidewalks. Examples of such a use would be the storage of construction materials, landscaping materials or dumpsters, or the erection of scaffolding.

2. **REGULATION OF USE OF STREETS AND SIDEWALKS.** The streets and sidewalks of the City are primarily for the use of the public in the ordinary way. Under proper circumstances, a permit may be granted for the use of City streets and sidewalks, subject to reasonable City regulation and control. This section is intended to regulate and control the use of City streets and sidewalks pursuant to the issuance of a special use permit to the end that the health, safety and general welfare of the public and the good order of the City can be protected and maintained.

3. A special use permit may be issued by the City Engineer only when all of the following requirements are met:

   (a) The suspension of the use of the public way involves frontage on only one parcel of property.

   (b) The public way will be used solely for the temporary storage of construction materials, scaffolding or ladders, landscaping materials, dumpsters or similar containers for the storage of discarded materials, or closed in order to
protect the public from work on the property such as tree trimming or the painting or repair of buildings abutting the right-of-way.

c. The suspension of the use of the public way will not exceed five days in duration.

4. In the event that the proposed activity does not conform to the conditions listed under paragraph (3) above, the City Engineer may refer the requested permit to the Public Safety Committee for consideration and possible action.

5. It shall be the responsibility of the applicant to provide all required safety devices necessary to protect the public. Traffic control devices shall be placed in accordance with §VI of the Manual of Uniform Traffic Control Devices. Based upon the requested use, the City Engineer may require additional safety devices in order to protect the public during the term of the special use. Such devices may include, but are not necessarily limited to barriers, barricades, lighting, and warning tape. Excavations in the public way are regulated in §8.03 of these Ordinances.

6. CLEAN UP. Following a special use, the applicant of the use shall be responsible for the immediate cleanup of all streets, sidewalks and alleys within the area of the special use. All cleanup shall be completed within 24 hours of the termination of the activity requiring the permit.

7.20 REGULATION OF UNREGISTERED MOTOR VEHICLES ON CITY STREETS AND PARKING LOTS. (1793 03/28/95)

1. DEFINITIONS.
   a. Immobilization device means a device or mechanism that immobilizes a motor vehicle by locking around a wheel, thereby making the motor vehicle inoperable.
   b. Unregistered motor vehicle means any motor vehicle that is not currently registered and which is located upon a highway or City parking lot within the City for such time and under such circumstances as to cause the motor vehicle to reasonably appear to have been unregistered for not less than 30 days.

2. PARKING UNREGISTERED MOTOR VEHICLE ON CITY STREET OR PARKING LOT PROHIBITED.

   a. No person shall park, locate, stop or leave standing any unregistered motor vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of a street, highway or City parking lot within the City.
   b. Any City police officer who discovers any unregistered motor vehicle located upon any street, high-way or City parking lot may cause the motor vehicle to be immobilized with an immobilization device or removed to a suitable place of impoundment.
   c. No person shall remove, disconnect, tamper with or otherwise circumvent the operation of an immobilization device except upon release of the motor vehicle to the owner thereof or to make necessary repairs to a malfunctioning immobilization device.

3. DEFENSE. It shall be a defense to a violation under Subs. 2(a) above if the person charged produces satisfactory evidence that, at the time of the issuance of the citation, either a complete application for registration for the motor vehicle, including evidence of inspection under §110.20, Wis. Stats., when required, accompanied by the required fee has been delivered to the Wisconsin Department of Transportation or deposited in the mail properly addressed with postage prepaid, or the motor vehicle was exempt from registration under Ch. 341 of the Wisconsin Statutes.

4. IMPOUNDMENT AND SALE.
   a. The owner of any unregistered motor vehicle shall be responsible for all costs of immobilizing, impounding and disposing of unregistered motor vehicle under this section. Any costs not recovered from the sale of the motor vehicle may be recovered in a civil action by the City against the owner.
   b. The owner of an unregistered motor vehicle that is immobilized with an immobilization device or impounded under this section may secure release of the motor vehicle by doing any of the following:

   1. Paying any forfeiture imposed for violation of this section and the reasonable costs of immobilizing or impounding the motor vehicle or both and providing satisfactory evidence of one of the following:

   a. That the motor vehicle is currently registered in this state.
7.21 PARKING RESTRICTIONS AND TRAFFIC REGULATION AT U.W. BARABOO-SAUK COUNTY CAMPUS (1936 04/21/98)

(1) ORDINANCE AUTHORIZED BY SAUK COUNTY. The City and Sauk County are the co-owners of the U.W. Baraboo-Sauk County Campus and, therefore, this ordinance has been authorized and approved by the Sauk County Board of Supervisors on June 16, 1998, by Resolution #77-98.

(2) OFFICIAL TRAFFIC MAP

(a) Official Traffic Map Established for Center Campus. There is hereby established for the U.W. Baraboo-Sauk County an Official Campus Traffic Map dated May 1, 1998, on which is indicated as of said date no parking, stopping or standing areas; loading zones; restricted parking areas; handicap parking areas; safety zones and islands, loading zones, traffic lanes, fire lanes, and other restrictions and limitations which the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations. All such restrictions and limitations set forth on said Official Campus Traffic Map are hereby adopted by reference.

(b) Revisions to Map.

1. Additions and Deletions to Map. Upon recommendation by the U.W. Baraboo/Sauk County Campus Commission, the Baraboo City Council may, from time to time, make additions to or deletions from the Official Campus Traffic Map for the U.W. Baraboo-Sauk County Campus. Every addition and deletion to said Official Campus Traffic Map made after May 1, 1998, shall indicate the number of the authorizing ordinance.

2. Ordinance Numbers Changing Map (future use).

(c) Map to be Maintained. The Official Campus Traffic Map for the U.W. Baraboo-Sauk County Campus shall be maintained and displayed in the City of Baraboo's Engineering Department. The City Engineer, or his/her designee, shall make appropriate authorized changes on said map within three working days after the appropriate official traffic control device is erected or removed, as the case may be. (2033 11/14/2000)

(d) Violations Prohibited. When official traffic control devices giving notice of the restrictions, prohibitions, and

b. That a complete application for registration for the motor vehicle, including evidence of inspection under §110.20 Wis. Stats. when required, accompanied by the required fee has been delivered to the Wisconsin Department of Transportation or deposited in the mail properly addressed with postage prepaid.

c. That the motor vehicle is exempt from registration under this Chapter.

2. Providing satisfactory evidence, that, at the time of immobilization or impoundment of the motor vehicle, whichever is earlier, either a complete application for registration for the motor vehicle, including evidence of inspection under §110.20 Wis. Stats. when required, accompanied by the required fee had been delivered to the Wisconsin Department of Transportation or deposited in the mail properly addressed with postage prepaid, or the motor vehicle was exempt from registration under this Chapter.

(c) Any motor vehicle in violation of this section may be immobilized with an immobilization device or impounded until lawfully claimed or disposed of under Subs. (d) below except that if it is deemed by a City police officer or other duly authorized representative of the City that the cost of towing and storage charges for the impoundment would exceed the value of the motor vehicle, the motor vehicle may be junked or sold by the City prior to the expiration of the impoundment. Upon determination by the Chief of Police that the motor vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete motor vehicles in excess of 19 model years of age shall be disposed of in accordance with Subs. (d) below.

(d) Any motor vehicle that is impounded and not disposed of under Subs. 4(c) shall be retained in storage and disposed of as provided in §341.65(g), Wis. Stats.

(5) PENALTY. Any person who shall violate any provision of this section shall, upon conviction, be subject to a penalty as provided in §25.04 of this Code plus all costs of immobilizing, impounding and disposing of the unregistered motor vehicle.
limitations shown on the Official Campus Traffic Map for the U.W. Baraboo-Sauk County Campus are erected and maintained in accordance with the provisions of this section, no person shall park, stop, or leave standing any vehicle in violation of any restriction, prohibition, or limitation shown on said map.

(2) DESIGNATED PARKING SPACES. The U.W. Baraboo/Sauk County Campus Commission shall have lines or markings painted upon the drives or parking lot surface for the purpose of designating a parking space. No person shall park any vehicle across any line or marking or park a vehicle in such position that the same shall not be entirely in the area designated by such lines or markings.

(3) PARKING IN GRASSY AREAS PROHIBITED. No person shall park or leave standing any vehicle on any grass area or other portion of the U.W. Baraboo/Sauk County Campus not designated for vehicle parking by official traffic control devices and/or by painted lines or markings.

(4) REMOVAL OF CHALK MARKS PROHIBITED. In order to monitor the continuous length of time that a vehicle is parked in a parking space or zone subject to parking restrictions, it is necessary that the Police Department place a chalk mark or other mark on one or more tires of parked vehicles. It shall be unlawful to remove, erase, or alter, or attempt to remove, erase, or alter any chalk mark or other mark of any kind placed upon any tire of a vehicle parked in any parking zone or space subject to the parking time restrictions.

(5) RESERVED SPACES FOR STAFF. When a parking space in the U.W. Baraboo-Sauk County Campus parking lot is designated by a distinct sign indicating that the parking space in front of the sign is reserved parking for campus staff, public employees, or a campus department, no person shall park, stop, or leave standing any vehicle in any part of the reserved space.

(6) PENALTY. Any person who shall violate any provision of this section shall, upon conviction, be subject to the penalty and enforcement provisions of §7.24 Penalty and §7.25 Enforcement of this Chapter.

7.22 USE OF RED WARNING LIGHTS BY SCHOOL BUSES. All school buses, as that term is defined by §340.01(56), Wisconsin Statutes, shall display their flashing red warning lights within the City of Baraboo when required by §346.48(2)(a), Wisconsin Statutes, except that flashing red warning lights shall not be displayed when loading or unloading passengers directly from or onto school grounds or that portion of the right-of-way between the roadway and the school grounds. (2242 10/24/2006)

7.23 NEIGHBORHOOD ELECTRIC VEHICLES (2307 05/26/2009)

(1) “Neighborhood Electric Vehicle” (NEV) means Neighborhood Electric Vehicle as defined in section 340.01(36e) of the Wisconsin Statutes and currently registered and licensed by the Wisconsin Department of Transportation.

(2) Individuals may operate an NEV on any street or connecting highway within the jurisdictional limits of the City of Baraboo that has a posted speed limit of 35 miles per hour or less. “Connecting Highways” in the City are as follows:

(a) State Highway 12: None.
(b) State Highway 33: From the west City limits to Lincoln Avenue.
(c) State Highway 113: From Broadway to Mound Street.
(d) State Highway 123: From 8th Avenue to Mulberry Street.

(3) The operation of NEV’s shall comply with all traffic statutes and ordinances applicable to vehicles travelling upon streets and highways in the City of Baraboo.

(4) Any person operating an NEV within the jurisdictional limits of City of Baraboo shall hold a valid Wisconsin Driver’s license.

(5) Penalty. Any person who violates any provision of this section shall be punished by a forfeiture of $50.00 plus all costs as specified in §25.04(c), Ordinances.

7.24 PENALTY. (1580 02/91, 1600 04/91, 1841 11/28/95)

(1) LOCAL REGULATIONS. The penalty for violation of any provision of this Chapter shall be as provided in §25.04 of this Code.

(2) STATE FORFEITURE STATUTES. Forfeitures for violation of §§340.01 to 348.28, Wis. Stats., shall conform to the forfeiture permitted to be imposed for violation of the Statutes adopted by reference, including any variations or increases for subsequent offenses.

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

(4) PENALTY FOR PARKING VIOLATIONS. The forfeiture for parking violations, other than those violations charged as a violation of State

7-23
(2) DUTY OF POLICE TO ENFORCE. City police officers shall enforce all the provisions of this chapter.

(3) UNIFORM CITATION. The uniform citation promulgated under §345.11, Wis. Stats., shall be used for all moving and nonmoving traffic violations, except parking violations.

(4) NOTICE OF DEMERIT POINTS AND RECEIPTS. Every officer accepting a forfeited penalty or money deposit under this chapter shall receipt therefore in triplicate as provided in §345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of §§343.27, 345.28, 345.26(f)(a), and 345.27(2), Wis. Stats.

(5) PARKING CITATIONS. Citations for all parking violations under this chapter shall conform to §345.28, Wis. Stats., as may be amended, and shall permit direct mail payment of the applicable forfeiture to the Police Department within 10 days of the issuance of the citation in lieu of a court appearance. The citation shall specify thereon the amount of the applicable forfeiture as provided in this chapter.

(6) REGISTRATION RECORD OF VEHICLE AS EVIDENCE. When any vehicle is found upon a street, highway or other public right of way 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 the enforcement of this section and shall be subject to the applicable forfeiture penalty; provided, however, that the defenses defined and described in §346.485(5), Wis. Stats., shall be a defense for an owner charged with such violation.

(7) TRAFFIC VIOLATION AND REGISTRATION PROGRAM. Pursuant to the provisions of §345.28(4), Wis. Stats., the City elects to participate in the nonmoving traffic violation and registration program of the Wisconsin Department of Transportation and pay the costs established by the Department under §85.13, Wis. Stats.; such costs shall in turn be assessed against persons charged with nonmoving traffic violations. The City Police Department shall be responsible for complying with the requirements set forth in §345.28(4), Wis. Stats.

(8) DEPOSIT SCHEDULE. Every police officer or parking attendant issuing a citation for any violation of this chapter shall indicate on the citation the amount of the deposit that the alleged violator may make in lieu of court appearance. The amount of the deposit shall be determined in accordance with the deposit schedule established pursuant to City Ordinances.

7.25 ENFORCEMENT.

(1) ENFORCEMENT PROCEDURE. This chapter shall be enforced in accordance with the provisions of §§345.20 to 345.53, Ch. 229 and §66.12, Wis. Stats.

(2) DUTY OF POLICE TO ENFORCE. City police officers shall enforce all the provisions of this chapter.

(1) The penalty for violation of §7.09(19) of this Chapter shall be a forfeiture of not less than $30.00, nor more than $300.00.

(b) When the motor vehicle weighs less than 8,000 pounds, the penalty for violation of §7.09(4), (5), (7), (8), (9), (10), (11), (12), (15), (16), and (17) and §7.14 of this Chapter shall be as follows: (1922 11/11/97, 2422 09/23/2014)

1. $10.00 if paid within 10 days of the issuance of the violation citation.
2. $20.00 if paid after 10 days.

(c) When the motor vehicle weighs 8,000 pounds or more, the penalty for violation of §7.09(4), (5), (6), (7), (8), (9), (10), (11), (12), (15)(16), and (17) of this Chapter shall be as follows:

1. $25.00 if paid within 10 days of the issuance of the violation citation.
2. $35.00 if paid after 10 days.

(d) The penalty for violation of §7.09(3) of this Chapter shall be as follows:

1. $5.00 if paid within 10 days of the issuance of the violation citation.
2. $12.00 if paid after 10 days. (1560 2/90; 1624 8/91)

(e) When the motor vehicle weighs less than 8,000 pounds, the penalty for violation of §7.09(6) of this Chapter shall be as follows: (1922, 11/11/97).

1. $10.00 if paid within 10 days of the issuance of the violation citation.
2. $20.00 if paid after 10 days.

(f) The penalty for violation of §7.09(21) of this Chapter shall be a forfeiture of not less than $20.00 nor more than $40.00 for the first offense and not less than $50.00 nor more than $100.00 for the second or subsequent offense within a 12 month period. (2030 09/12/2000)
(9) DISPOSITION OF DEPOSITS; OFFICERS TO POST BOND, QUALIFY. Any police officer accepting deposits or forfeited penalties under this chapter shall deliver them to the Sauk County Clerk of Court within 20 days after receipt, except for parking forfeitures that shall be turned over to the City Treasurer. Any officer authorized to accept deposits under §345.26, Wis. Stats., or this chapter shall qualify by taking the oath and filing an official bond in the sum of $100 as provided by §19.01, Wis. Stats.
APPENDIX TO CHAPTER VIII - City of Baraboo Sidewalk Policy
Revised September 2017

**Purpose.** This policy is intended to establish guidelines for the installation of new sidewalks and the replacement of existing sidewalks in the City of Baraboo and to document the methodology to be used to assess the costs associated with new sidewalk construction to the abutting property owner.

Except as otherwise stated in this policy it is the goal of the City to have curb, gutter, and sidewalks, on all existing and future streets for the benefit of the health, safety, and welfare of the citizens. Recognizing that neighborhoods change over time, the intent of this Policy is to promote safety, sociability, community, connectivity, and equilibrium throughout the City. The City of Baraboo is designated as an eco-municipality and as such, is committed to being a walkable community.

**Procedure - New Sidewalk Installation.** New sidewalk installation shall be coordinated by the City Engineer as directed by the Public Safety Committee and/or City Council. Locations for new sidewalk that will be installed entirely independent of any street construction work shall generally conform to the City’s 1999 Sidewalk Planning Study unless special circumstances exist as determined by the Public Safety Committee. New sidewalk projects should be planned for street segments that are ranked in the top 25% of segments that do not have sidewalk and adjacent segments on a particular street should be grouped together rather than adhere to the strict priority ranking from the 1999 Study.

In addition, new sidewalk shall also be installed along streets that are reconstructed where no sidewalk previously existed unless special circumstances exist as determined by the Public Safety Committee.

Notices shall be mailed to property owners along streets slated to receive new sidewalk. This notice shall serve to notify the property owner that sidewalk will be installed and that assessments shall be levied against abutting properties. Special Assessment procedures shall conform to City Ordinances and applicable State Statutes.

As provided by City Ordinance, the abutting property owner has the option of installing their own sidewalk or hiring their own contractor to install sidewalk along their property. Any property owner choosing to install their own sidewalk or hire their own contractor must sign an agreement with the City establishing the guidelines for construction. Any property owner choosing to install their own sidewalk or hire their own contractor assumes full responsibility for all costs associated with the sidewalk installation with the exception of the credit available to the property for additional costs for special provisions.

**City Owned Property.** Whenever sidewalks are constructed on a street, all city owned parcels contiguous to the project will have sidewalk installed.

**Building Construction.** Sidewalks must be installed prior to an occupancy permit being issued for all new building construction and when there have been improvements to an existing building by 50% or more of the current or equalized value for the structure. Structures receiving occupancy permits between November 1st and May 30th of the following year shall be required to have sidewalks installed by the following June 30th.

**New Subdivisions.** Sidewalks shall be installed as provided in the Subdivider’s Agreement.

Subdivider agrees to construct and install, at Subdivider’s sole expense, all required sidewalks in accordance with the City’s sidewalk standards and specifications. Sidewalks shall be constructed on both sides of each street within the Subdivision. All sidewalk construction within the Subdivision must be completed within three years of the date of the recording of the final plat of the Subdivision or the date of the execution of this Agreement, whichever occurs first. In all cases, sidewalks must be constructed for each individual lot within the Subdivision before an occupancy permit will be issued for said lot and in all cases all sidewalks within the Subdivision shall be completed within the three-year period stated herein. Subdivider agrees that upon completion of the sidewalk construction in accordance with this Agreement, Subdivider shall formally notify the City Building Inspector and request an inspection thereof. Upon such notification, the City Building Inspector shall make an inspection of the completed sidewalk. All sidewalks in the Subdivision shall be subject to acceptance of ownership and dedication and to the letter of credit provisions.

**Procedure–Sidewalk Replacement.** As provided by City Ordinance existing sidewalks in the City shall be inspected at least once every eight years. The City is divided into districts to facilitate the orderly inspection and repair of sidewalks. As a guideline, it is the City’s goal to endeavor to replace sidewalks if there are cracked or broken stones, spalled surface conditions, ponding or icing conditions or settling or heaving so as to cause a differential in joint elevation of 3/4 inch from one stone to the next.

Sidewalks required to be replaced will be marked by City Engineering Department staff.

Sidewalks marked for replacement shall be completely removed and replaced or repaired as deemed appropriate by the City Engineer.

**Design Standards.** Sidewalks shall be 5’ wide and constructed of concrete in accordance with the City
Specifications for Concrete Sidewalks as adopted by the Public Works Department. Sidewalks shall typically be installed on street right-of-way six inches from the property line. The sidewalk specifications for a particular project may require the removal of trees and landscaping encroachments; however, recognizing the City’s Tree City USA designation, special effort will be made to save mature trees that are in very good or excellent condition. In situations where building encroachments or significant tree growth or other special circumstances exist, the sidewalk may be installed further from the property line and the width may be reduced to 4’. An effort shall be made so that both the width and alignment generally conform to other sidewalks in the area.

Sidewalks shall be installed through driveway sections to provide a uniform walking section and appearance.

Certain sidewalk projects may require the construction of walls and other improvements.

The City Engineer shall be notified and an inspection performed prior to pouring the sidewalk to approve the sidewalk location, grade line and forming.

**Assessment of Costs.** Costs for new sidewalk construction shall be assessed against abutting properties on a front foot basis. The assessed costs shall be calculated by combining the concrete costs with costs for clearing and grubbing of trees and brush, excavation and preparation of the grade, sub-base material, and turf restoration. This combined cost will be calculated on a square foot basis which will be multiplied by the sidewalk width to determine the front foot assessment cost.

Driveway restoration as required due to the installation will not be assessed provided the driveways are restored using similar materials to those existing prior to sidewalk installation. Enlargements or upgrades to the existing driveways shall be assessed at cost.

Carriage walks will be replaced at the owners request and will not be assessed against the abutting property provided the carriage walk is restored using similar materials to those existing prior to its removal. Enlargements or upgrades to the carriage walks shall be assessed at cost. A carriage walk is defined as a sidewalk located in the right-of-way, perpendicular to the street, between the curb and the sidewalk, but excludes curb ramps or sidewalks located at an intersection.

**Additional Costs for Special Provisions.** The hilly terrain in the City of Baraboo often requires that retaining walls, steps or other special provisions be constructed as a part of the sidewalk installation. To protect the property owner against the high cost of these special provisions, the City of Baraboo agrees to limit the total cost of the special assessment for sidewalk against any single property to 1.75 times the cost of the total sidewalk assessment for the parcel.

In the event that the property owner chooses to install the sidewalk and special conditions exist such as retaining wall construction, the property owner is eligible for a credit to apply against the cost of this added construction. The credit is calculated by multiplying the cost of the sidewalk assessment for the parcel (had the City completed the work) by 1.75 and subtracting from that the cost of the sidewalk assessment (had the City completed the work). Retaining wall materials and construction shall be approved by the City Engineer.

**Large Lot Adjustment.** For large lots in the City zoned for single family or two family residential the additional costs for special provisions as described above shall be limited to 1.75 times the cost of sidewalk for a standard residential lot of 132 feet of frontage. The parcel shall be assessed for the entire frontage for sidewalk construction as described above under assessment of costs. Only the additional costs for special provisions shall be subject to the adjustment described in this paragraph.

Multi-frontage lots will be responsible for all frontages.

**Exceptions.** The only exception to this Policy shall be in locations where the topography is such that sidewalk construction is not feasible or where the cost to construct sidewalk would be excessive, as determined by the City Engineer.

**Excessive Costs.** Should the costs of construction exceed three (3) times the cost of the contractors cost for sidewalk construction as determined in the current years maintenance bids, the project will usually be considered to be infeasible to undertake; however, the Council may determine that a project is so important that it may exceed this limit.

**Financing.** Sidewalk assessments may be paid under one of the following alternatives:

- Pay in full within 30 days to avoid interest charges.
- 3 year installment agreement for assessments between $500 and $1,000. Pay 1/3 down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1 1/2%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.
- 5 year installment agreement for assessments over $1,000. Pay 1/5th down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1 1/2%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.
- 10 year installment agreement for assessments over $10,000. Pay 1/10th down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1 1/2%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.
• **Community Development Block Grant** for assessments over $1,000. Applicants must be at 80% or less of median income for Sauk County and meet program qualifications. Funds are subject to availability. Application must be made to Community Development Authority and verification of application must be delivered to City Treasurer within 30 days of date of invoice. Interest will be waived during application process.

• **Financial Hardship.** A property owner who has a household income which is 80% or less of the medium income in Sauk County based upon the current published figures, or who is not eligible for a Community Development Block Grant loan as stated above, shall be eligible to repay the City for the assessment at the rate of $100 per year plus annual interest of 1% until paid. The Community Development Authority staff shall verify low-income eligibility and shall make a recommendation as to such eligibility to the City Council. If there is an outstanding balance at the time of sale of the property, the remaining balance shall become due. A property owner requesting financial hardship eligibility shall submit a copy of their current year State of Wisconsin tax return if filed, or otherwise show proof of annual household income.

• **Balance on Tax Roll.** If the property owner does not pay in full within 30 days from the invoice date or qualify for an installment plan, the entire balance will be placed on the next tax roll for collection with interest added at 1% per month.

**Ownership Adjacent To Town Parcels.** When a landowner owns land adjacent to town parcels and has a driveway that enters the street going to the town parcel the property owner will be required to place sidewalk along the frontage of the street to a point that will access the driveway of the owners parcel in question. Where there is no driveway it shall be at the discretion of the council where the sidewalk shall end.

**Three-Sided Lots.** In those areas where new sidewalks are to be installed, if a sidewalk is to be installed on a lot, which has frontage on three sides, the property owner will be responsible for the street in front of the house and to the side of that frontage. The City will pay for the initial sidewalk construction on the street that would be to the rear of the house. Future maintenance of all sidewalks shall be the responsibility of the property owner.
CHAPTER 8
PUBLIC WORKS

8.01 Official Map
8.02 Altering Grades Prohibited
8.03 Street and Sidewalk Excavations and Openings
8.04 Obstructions and Encroachments
8.05 Snow and Ice Removal
8.06 Sale or Display of Merchandise Prohibited
8.07 Utility Extensions Required
8.08 Public Improvements and Assessments
8.09 Driveways
8.10 Special Assessment Procedure
8.11 Moving Buildings
8.12 House Numbering System Established
8.13 Public Trees, Shrubs Regulated
8.14 Lease Under Broadway Street Granted to Sauk County
8.15 Vegetative Material Not to be Deposited in Street (2340 06/22/10)
8.16 Occupation of the Public Right-of-Way
8.17 Penalty

Appendix – Sidewalk Policy

8.01 OFFICIAL CITY MAP

(1) ADOPTED. The "Official City Map, Baraboo, Wisconsin", dated September 28, 1993 is hereby adopted by reference. The City Clerk shall file a certificate with the Sauk County Register of Deeds showing that the City has established an Official Map. The Official City Map shall be kept in the office of the City Engineer. See also §17.19(5).


(4) DETACHMENTS: Ord. #1683, #2491.

8.02 ALTERING GRADES PROHIBITED. No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof unless authorized or instructed to do so, in writing, by the City Engineer.


(1) PERMIT REQUIRED. No person shall, without first obtaining a permit from the City Clerk's Office, make any opening in any street, alley, sidewalk or any public way within the City. The permit shall be void after 45 days unless work has commenced.

(2) APPLICATION. Application for a permit shall be made on a form supplied by the City Clerk. All applications must be approved by the City Engineer or Street Superintendent. The application shall be accompanied by a signed agreement to save the City harmless from any liability arising from the work or activity covered by the permit, the fee provided in sub. (3) below and a written description of the work, including a sketch designating the trench location.

(3) FEE. The permit fee shall be as provided in the City's Official Fee Schedule, Ch. I, Subch. IV.

(4) BOND REQUIRED. Before an excavation permit is issued, the applicant shall give a bond in the sum of $5,000 with good and sufficient surety to be approved by the City Attorney conditioned, among other things, that said applicant will save and indemnify judgment, costs and expenses
which may in any way accrue against the City and save the City harmless against all liabilities, judgments, costs and expenses in consequence of granting such permit, including the restoration of any pavement and maintenance thereof for one year. An annual bond may be given covering all excavation work done by the principal which shall be conditioned as specified above in an amount determined by the City Attorney to adequately protect the City. This subsection shall not apply to utilities under the jurisdiction of the Public Service Commission.

(5) INSURANCE. A certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than $100,000 for any one person, $300,000 for any one accident and $50,000 for property damage.

(6) REGULATIONS GOVERNING EXCAVATIONS AND OPENINGS.
(a) Frozen Ground. No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 15th and March 1st except where it is determined by the City Engineer to be an emergency excavation.

(b) Protection of Public.
1. Every opening and excavation shall be enclosed with sufficient barriers, signing, and such other traffic control devices as may be required by the City Engineer or Street Superintendent, and in accordance with Section VI of the Manual of Uniform Traffic Control Devices. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Except by special permission from the City Engineer or Street Superintendent, no trench shall be excavated more than One hundred fifty (150) feet in advance of pipe or conduit laying nor left unfilled more than three hundred (300) feet from where pipe or conduit has been laid.

2. All necessary precautions shall be taken to guard the public effectively from accidents of damage to persons, vehicles or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the city in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his/her employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

3. Unless otherwise approved, a minimum of one (1) lane of traffic in each direction shall be provided. Every effort shall be made on the part of the permittee to provide reasonable access to all properties adjacent to his/her project. In the event traffic is limited to less than one (1) lane in each direction, a flagman or temporary traffic control signal shall be provided so as to safely cycle traffic in each direction past the work area.

4. The permittee shall perform the work in such a manner so as not to disrupt the flow of traffic in the area or endanger the safety of workmen or passersby. It shall be the responsibility of the permittee to prevent traffic backup during construction operation. The permittee shall notify the City Engineer or Street Superintendent twenty-four (24) hours prior to commencement of excavation of the location and extent of the excavation, unless the excavation is an emergency excavation as identified in §8.03 (9).

5. When the operations will result in the loss of any utility service to private properties, the private properties shall be notified in writing or by personal contact at least twelve (12) hours prior to the loss of service, unless the operations are part of an emergency excavation as defined in §8.03 (9).

(c) Pavement Removal.
1. Removal of existing pavement shall be to neat, straight lines. The permittee shall make a final saw cut in the existing pavement after backfilling. Excavations shall be kept to the minimum possible and acceptable for the convenience and safe performance of his/her work and in accordance with all applicable codes and regulations.

2. If the pavement is damaged during excavation beyond the original saw cut lines, it shall be saw cut again along neat, straight lines. The finished saw cut shall leave a regular rectangular section for pavement replacement. Should the street opening occur within adjacent or close to an existing patch or require more than one (1) opening within a short distance, the permittee shall
identify and locate the existing patches or additional openings on the permit application form. The City Engineer or Street Superintendent shall, on the basis of an on-site inspection, approximate the boundaries of the pavement replacement area.

3. Pavement replacement areas with the long dimension in the direction of travel shall have the long dimensions parallel with the curb line or the direction of travel. Pavement replacement areas in concrete pavements shall be parallel with or at right angles to the direction of travel.

4. The City Engineer or Street Superintendent may order the permittee to remove and replace up to one (1) full lane width of pavement along the patched or excavated area. Special care shall be taken with concrete pavement to produce a vertical face on the existing concrete at the point of the saw cut to insure a full depth of concrete at the joint.

(d) Excavation.

1. Prior to starting excavation work, the contractor shall first contact Digger's Hotline to determine the location of underground facilities.

2. All excavated material shall be piled in a manner such that pedestrian and motor traffic is not unnecessarily disrupted. Gutters shall be kept clear or other satisfactory provisions made for street drainage, and natural watercourses shall not be obstructed.

3. Excavated material to be used for backfilling of the trench must be so handled and placed as to be of as little inconvenience as practical to public travel and adjoining tenants.

(e) Backfilling.

1. All backfill material shall be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks or stones greater than eight (8) inches in their greatest dimension, frozen lumps or other material which, in the opinion of the City Engineer or Street Superintendent, is unsuitable.

2. In refilling the excavation, if there is not sufficient material excavated suitable for refilling the deficiency shall be made up with trucked in material, approved prior to use by the City Engineer or Street Superintendent.

3. Wherever an excavation crosses an existing utility, pipe or other structure, backfill shall be carefully compacted in stages from the bottom of the excavation. Any sanitary sewer, storm sewer, water, telephone, natural gas or other service shall not be interrupted by the permittee. It shall be the permittee's responsibility to have the various utilities located and mark their facilities prior to excavation.

4. Mechanical compaction shall be used on all materials used for trench backfill. Each layer (12-inch maximum) shall be uniformly compacted to a dry density of at least ninety-five percent (95%) of the maximum dry density as determined by the Modified Proctor Test (ASTM-1557). Compaction or consolidation by flooding shall not be permitted.

5. All excavations shall be subject to testing by the City. Backfilled material not achieving the above compaction requirements shall be removed and recompacted by the permittee. The cost of any retesting shall be paid by the permittee.

(f) Notice. It shall be the duty of the permittee to notify the City Engineer or Street Superintendent and all public and private individuals, firms and corporations affected by the work to be done at least one (1) business day before such work is to commence. The City Engineer or Street Superintendent shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.

(g) Pavement Replacement.

1. Backfill material shall be left below the original surface to allow for 12 inches of three (3) inch crushed stone and four (4) inches of three-quarter (3/4) inch crushed stone, plus the thickness of the required pavement structure. If paving will not occur as part of the initial street restoration operation, the balance of the opening to the original surface elevation shall be backfilled with compacted three-quarter (3/4) inch crushed stone.
2. Bituminous pavement shall be placed the full depth of the existing pavement or three and one-half (3-1/2) inches whichever is greater. Bituminous pavement shall be placed in a maximum of a two inch base layer and a one and one-half (1½) inch top layer, with each layer compacted to maximum density and shall consist of Wisconsin Department of Transportation Pavement Type E-1. The finished surface shall be smooth and free of surface irregularities and shall match the existing pavement and any castings or street appurtenances. Allowable deviations shall be no more than one-quarter (¼) inch as measured with a ten (10) foot straight edge.

3. Concrete pavement shall be placed to the full depth of the existing pavement or seven (7) inches whichever is greater. Concrete used shall not contain calcium chloride. The surface shall be given a light broom finish. The edges shall be tooled to prevent spalling at the saw cut edge. The surface shall be evenly and completely sealed with a white-pigmented curing compound. The surface shall be protected from traffic for a minimum of three (3) days. Tie bars shall be installed as directed by City Engineer or Street Superintendent.

4. In emergency excavations during winter months when it is not possible to replace the removed pavement with a like material, the excavation shall be temporarily resurfaced with a minimum of three (3) inches of cold mix bituminous material. This temporary wearing surface shall be compacted and rolled smooth. These temporary wearing surfaces shall be removed and re-placed with material as specified above by not later than the following June 1st, except as provided above. Permanent pavements shall be replaced within sixty (60) days of the date of the permit.

(7) EXCAVATION IN NEW STREETS LIMITED. Whenever the City determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the City, the City Engineer shall notify in writing each person, utility or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all excavation work in such street must be completed within thirty (30) days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five (5) years after the date of improvement or repaving unless, in the opinion of the City Engineer, conditions exist which make it absolutely essential that the permit be issued. Every effort shall be made to place gas, electric, telephone and television cable lines in street terraces.

(8) PLUMBING PERMIT REQUIRED. See §15.04 of this Code.

(9) EMERGENCY EXCAVATIONS AUTHORIZED. In the event of an emergency, any person owning or controlling any sewer, conduit or utility in or under any street may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit; provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit.

(10) CITY WORK EXCLUDED. The provisions of this section shall not apply to excavation work done under the supervision of the City Engineer, Utility Superintendent, or Street Superintendent by City employees or contractors performing work under contract with the City necessitating excavations in City streets. (2318 08/25/2009)

8.04 OBSTRUCTIONS AND ENCROACHMENTS.

(2183 02/22/05, 2423 10/14/2014)

(1) PROHIBITED. No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in sub. (2) below.

(2) EXCEPTIONS. The prohibition of sub. (1) above (on the placement of obstructions in streets) shall not apply to the following:

(a) Public utility encroachments duly authorized by State law or the Council.

(b) Temporary encroachments or obstructions authorized by permit granted pursuant to §66.045, Wis. Stats.

(c) Excavations and openings permitted under §8.03 of this chapter.

(d) Temporary Encroachment of Public Sidewalk.

1. Purpose and Intent – The purpose of this Section is to establish the standards and criteria for the issuance of encroachment permits granting the
privilege to temporarily place merchandise, furniture, benches, planters, flowers, sandwich board signs, flags, and other permitted items upon the public sidewalks for informational, decorative, and business enhancement purposes. The intent of these standards and requirements is to insure safe access and movement for pedestrians consistent with the American with Disabilities Act and to insure uniform placement, aesthetics, and maintenance while protecting City liability when such items are placed within the public right-of-way.

2. Permitted Items – Subject to the requirements in subsection 3, the following permitted items may be temporarily placed upon public sidewalks within districts or areas where retail business operations are permitted:

   a. Sidewalk furniture such as tables, chairs, benches, planters, and flower-pots, all of which must be movable; umbrellas may also be permitted in conjunction with tables and chairs.

   b. Display of goods and merchandise.

   c. Ornamentations such as clocks, statues, open for business flags (but not banners), seasonal decorations, decorative artwork, and similar items.

   d. A sandwich board sign.

   e. Newspaper vending machines.

   f. Soda and vending machines, other than newspaper vending machines, shall not be permitted.

3. Requirements – Placement of any permitted item identified in Subs.(d)2 shall be subject to the following general requirements:

   a. Only the owner or occupant of a building fronting upon a sidewalk shall be authorized to place a permitted item upon such sidewalk.

b. The placement of all items shall provide clearances and pathways in conformance with the American Disabilities Act (ADA) and any amendments, guidelines, and regulations adopted pursuant thereto. In particular, the following standards shall apply:

   [1] There shall be not less than a four-foot wide unobstructed accessible path of travel, excluding curb dimensions, and there shall be a sidewalk cross-slope no steeper than one in forty-eight (1 in 48). A vertical clearance of not less than 80 inches shall be maintained at all times. The path of travel shall be reasonable in location and continuous between adjacent properties. Winding pathways shall not be allowed.

   [2] No placement shall encroach upon or obstruct any required parking space(s), landscaped area, fire lane, fire hydrant, handicapped access ramp, or handicapped access route.

   [3] The placement of permitted items shall always maintain safe visibility of vehicular traffic and pedestrians and clear visibility and access to all traffic signs, control devices, and other safety installations.

   [4] Permitted items placed on the sidewalk and the surrounding sidewalk area shall be maintained in a state of cleanliness and good repair and shall not cause conditions of trash, litter, debris, noise, glare, dust, or other nuisance. Responsibility for such maintenance shall rest with the owner and/or occupant of the business storefront displaying the items.
[5] Permitted items shall only be placed within the boundaries of the storefront of the business displaying the items. Unless otherwise approved, permitted items shall only be displayed during times when the business displaying the items is open for business.

[6] No sign or other item shall be attached to light poles, trees, or other public improvements. In special circumstances due to frontage limitations, a sign may be placed on the end of a public bench.

c. Alcoholic beverages shall not be served, consumed, or possessed within or upon the sidewalk or the public right-of-way.

4. Encroachment Permit -
   a. The placement of permitted items under this Section shall be subject to review and approval by the City Zoning Administrator prior to placement. If approved, an encroachment permit shall be issued setting forth any conditions of approval. The Zoning Administrator shall establish forms and procedures for implementing and enforcing the terms of this Section. Permits issued by the Zoning Administrator shall be issued annually covering the period from July 01 to June 30. A grid map showing how the sidewalk shall be used shall be included with each encroachment permit application.

   b. A violation of an encroachment permit shall be a violation of this §(2)(d) and, in such event, the Zoning Administrator may revoke or suspend the permit.

   c. Appeals from any decision of the Zoning Administrator, whether made by the business owner, adjoining property owner, or other aggrieved party, shall be filed with the City Clerk and submitted to the City Council’s Administrative Committee accompanied by a recommendation from City Staff. Action by the Administrative Committee shall be final.

   d. No permit shall be issued for use of public right-of-way until satisfactory evidence is presented that the permittee has obtained general liability insurance coverage with an insurance company licensed by the State of Wisconsin naming the City as an additional insured in amounts not less than $1,000,000 for bodily and personal injury sustained by any one occurrence and $100,000 for property damage, and said insurance shall be primary insurance coverage for any damages to persons or property caused by reason of any accident or occurrence to any person or property arising from or growing out of the use of the encroachment permit. Such insurance coverage shall be maintained for so long as the permit is in effect.

   e. Any permit granted under this section shall be deemed a privilege granted pursuant to §66.0425, Wis. Stats. By adopting this ordinance, the City expressly intends that the provisions of §66.0425(1), (2), (3), (4), (5), (6), and (8), Wis. Stats., (2001-2002) and as amended shall apply to the encroachment permit and permittee.

   f. The failure to procure a current encroachment permit shall be a violation of 8.04(1) and such
violation shall be subject to a forfeiture as provided in §25.04 of the City Code.

1. The goods and merchandise shall only be displayed during such times when the business displaying the items is open for business, and

2. The display shall only occur within the boundaries of the storefront of the business displaying the items, and

3. The display shall be at least four feet of open, clear, and unobstructed sidewalk.

(e) A mailbox placed within the right-of-way of any street, but outside of the paved portion thereof, provided that the placement of the mailbox does not unduly interfere with vision along the street, and that its construction does not constitute a nuisance endangering the safety of vehicles operating along the street. As a consideration for the privilege to place a mailbox in the right-of-way for a street, in the event such mailbox is damaged as a result of the City’s action to remove snow from the street, the City shall only be liable to repair or replace the mailbox with a standard mailbox and pole mount of the City’s choosing, or reimburse the owner for the costs of a new mailbox and mounting up to a total of $45.00. (2299 01/27/2009)

8.05 SNOW AND ICE REMOVAL (1965 01/12/99, 2033 11/14/2000, 2180 02/08/2005, 2287 10/14/2008)

(1) The owner or lessee of every lot or parcel of land in the City in front of or abutting upon a sidewalk shall clear the entire width of such sidewalk of snow and ice no later than 24 hours after such snow or ice has accumulated thereon. The owner or lessee of a lot or parcel abutting sidewalks on two intersecting streets shall remove all snow and ice from the sidewalks of both streets, including that portion of the sidewalks bordering the crosswalk, including the entire curb ramp, if any, through the snow plow line to the cleared street, regardless of the source of the snow or ice accumulation. In the event sidewalk snow or ice shall become frozen so hard that it cannot practically be removed, the owner shall keep the sidewalk effectively sprinkled with sand, salt, or other suitable substance in such manner as to prevent the ice from being dangerous, and shall promptly clean such sidewalk as soon as weather permits. Any person violating this subsection shall be subject to a forfeiture as provided in Section 25.04 of The City Code. Each day any violation of this subsection continues shall constitute a separate offense. An abatement notice pursuant to Section 10.07(2)(a) of the City Code need only be served once upon a property per winter season.

(2) Snow not to be deposited on public ways; creation of downtown snow removal district.

(a) Except in the downtown snow removal district, no person shall deposit any snow on any public street or alley in the City unless such person shall, within one hour thereafter, cause such snow to be removed from such street or alley. Sidewalk snow may be deposited within the tree bank, but shall not be deposited in the street.

(b) A downtown snow removal district is hereby created within the following perimeter: Commencing at 1st Avenue and Broadway, thence east on 1st Avenue/Street to Ash Street; thence north on Ash Street to 3rd Street; thence east on 3rd Street to East Street; thence north on East Street to 4th Street; thence west on 4th Street to Ash Street; thence north on Ash Street to 5th Street; thence west on 5th Street/Avenue to Birch Street; thence south on Birch Street to 3rd Avenue; thence east on 3rd Avenue to Broadway; thence south on Broadway to 1st Avenue, the point of beginning. The perimeter shall be considered to run down the middle of the street. Only property inside the described perimeter shall be considered a part of the district. Within the perimeter of the downtown snow removal district, snow removed from contiguous properties may be deposited at the curb line, for later pickup and disposal by the City.

(3) In the event the owner or lessee of any lot or parcel of land fails to comply with or violates the provisions of sub (1) above, or violates sub (2) above, the Street Superintendent may summarily remove such snow and ice and cause the cost of said removal to be charged to the owner of the property from which said snow or ice has been removed. If the charge is not paid within 30 days of the date of billing, an additional administrative charge of 10% of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid, and such charge shall be extended upon the current or next tax roll as a charge for current services as provided in §66.0627, Wis. Stats.
(4) Prosecution under sub (1) or sub (2) above, shall not bar the City from proceeding under sub (3) above, nor shall proceeding under sub (3) above bar prosecution under sub (1) or sub (2) above.

8.06 SALE OR DISPLAY OF MERCHANDISE PROHIBITED. Except for sales permitted by Statute or other sections of this Code, no person shall display, sell, or offer to sell, on any street, sidewalk, alley, City parking lot, or other public place within the City, anything of value or service of any kind, except in connection with a Citywide enterprise or promotion of community trade.

8.07 UTILITY EXTENSIONS REQUIRED. All utilities and sewer and water mains and service laterals to the abutting property shall be installed before any street is permanently surfaced or resurfaced.

8.08 PUBLIC IMPROVEMENTS AND ASSESSMENTS.

(1) GENERAL APPLICATION.

(a) The installation of any public improvement shall be an exercise of the police power of the City as may from time to time be determined by the Council and the property served shall be assessed pursuant to the provisions of §66.0703 and §66.0701, Wis. Stats., except sidewalks may also be assessed pursuant to the provisions of §66.0907, Wis. Stats. (See also Ch. 18 of this Code relating to required improvements in subdivisions). (1859 03/12/96)

(b) Unless otherwise determined by the duly adopted resolution of the Council, the total cost of any public improvement to be paid in whole or in part by special assessment shall include the actual direct and indirect cost incurred by the City and reasonably attributable thereto including, but not limited to, materials, supplies, labor, equipment, land acquisition, site preparation and restoration, damages occasioned by the public improvement, interest on bonds or notes issued in anticipation of the collection of assessments, a reasonable charge for engineering, legal and administrative costs, and other costs and charges allowed by law. (2004 02/22/2000)

(c) The total assessment for any public improvement shall be based upon the total costs, as defined in par. (b) above, and shall be apportioned among the individual parcels benefited. Such apportionment shall generally be computed on a lineal frontage basis unless the Council otherwise determines that extenuating circumstances require a different method of assessment.

(2) SEWER AND WATER MAIN.

(a) All sewer and water main extensions shall be constructed by the City in accordance with specifications established by the Public Safety Committee.

(b) Special assessments for all sewer and water main extensions shall be levied at 100% of the total cost of construction.

(3) STREETS

(a) Streets shall be constructed by the City in accordance with specifications established by the Public Safety Committee.

(b) Special assessments for all new streets hereinafter constructed shall be levied at 100% of the total cost of construction. The cost of maintaining and resurfacing existing streets shall be borne by the City.

(4) CURB AND GUTTER.

(a) Curb and gutter shall be installed by the City in accordance with the specifications established by the Public Safety Committee.

(b) Any owner of unimproved land abutting on an existing opened street who shall improve said property by erecting buildings thereon shall be required to install curb and gutter and sidewalk grade along the street abutting said land where curb or walk do not exist. No building permit shall be issued until application for such curb and gutter and sidewalk grade has been made. The finished lawn or surface grade shall conform to the sidewalk grade.

(c) Special assessment for all new curb and gutter shall be levied at 100% of the total cost and replacement curb and gutter shall be levied at no cost to the property owner.

(5) SIDEWALK CONSTRUCTION AND REPAIR. (1862 04/16/96) (2470 10/10/2017)

The City’s current sidewalk policy is set forth as an Appendix to Chapter 8 and can be found at the end of this Chapter. The sidewalk policy may be amended by resolution of the Common Council.

(a) Sidewalk Standards. Sidewalks shall be located in such places and at such grades as designated by the Council. The Council shall from time to time adopt resolutions specifying where sidewalks shall be constructed and shall order sidewalks to be laid in accordance therewith. All sidewalks installed within the City, whether new, reconstructed replaced or repaired shall be constructed in accordance with the specifications and standards established by
the Public Safety Committee. Unless authorized by the Council, construction costs for new, replaced, reconstructed or repaired sidewalks shall be 100 percent specially assessed against the properties on which the sidewalk abuts as provided in this chapter.

(b) **Sidewalk Priority Plan for Residential Districts.** (2010 05/09/2000) The City shall establish and maintain a sidewalk priority program for the City. By January 1st of each year, the City Council shall adopt, after recommendation by the Public Safety Committee, a three-year sidewalk construction priority plan for the City that is consistent with the intent of the City’s Sidewalk Policy.

(c) **Sidewalk Inspection Districts.** (2011 05/09/2000, 2313 07/28/2009) Commencing on July 1, 2009, the City shall be divided into eight sidewalk districts and a downtown district. At least once every eight years thereafter, and annually in the downtown district, sidewalks in each district shall be inspected and the Public Safety Committee may, pursuant to such inspection or for public health, safety and general welfare reasons, order the reconstruction, repair or removal and replacement of any sidewalk determined to be unsafe, defective, or insufficient.

(d) Any person who fails, neglects or refuses to install or repair sidewalks in accordance with the terms of a sidewalk agreement executed by such person shall be subject to a penalty as provided in §25.04 of this Code. Each day that a violation of this section continues shall be deemed a separate offense. In addition to any other penalty imposed by this subsection for the failure, neglect or refusal of any person to comply with the provisions of a sidewalk agreement executed pursuant to §8.08(5) of the Code, the City shall have the right to install the required sidewalk improvements and, in such case, 100% of the total cost thereof shall be levied as a special tax against the lot or parcel of land abutting such sidewalk improvements. (2012 05/09/2000)

**8.09 DRIVEWAYS.**

(1) **PERMIT REQUIRED.** No person shall construct any new driveway across any sidewalk or curbing without first obtaining a driveway permit from the City Engineer. The applicant for a driveway permit shall file the application with the City Engineer and furnish a drawing designating his property lines, the location and width of the proposed driveway and the location of any driveway and street intersection within 150 feet of the proposed driveway.

(2) **FEE.** The fee for the driveway permit shall be as provided in the Official Fee Schedule and shall accompany the application.

(3) **SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION.**

(a) **Width.** No driveway shall exceed 20 feet in width at the street edge of the sidewalk in residential districts and 32 feet in commercial and industrial districts unless approved by the Public Safety Committee. All driveways shall be constructed in accordance with specifications established by the Public Safety Committee.

(b) **Interference With Intersections and Driveways Prohibited.** The nearest boundary of any driveway shall be at least 15 feet from a corner crosswalk or intersecting street line extended to curb line. A driveway must be a minimum of 5 feet from the nearest boundary line of alley and driveway front on the same street. Any driveway may, subject to other limitations of this section, be constructed at any angle to the pavement edge from 45 degrees shall be permitted.

(c) **Location on Lot Regulated.** No entrance shall be closer than 3 feet to adjacent property lines, provided, however, that in cases of practical difficulty or unnecessary hardship, the Public Safety Committee may reduce such requirement. No driveway shall be so constructed that any part of the same extends in front of property belonging to a person other than the person applying unless both property owners sign a joint application for a permit.

(d) **Number of Driveways Limited.** No more than one driveway shall be constructed for any residential lot or premises without the approval of the Public Safety Committee.

(e) **Workmanship and Materials.** All driveway entrances, approaches, and parking areas shall be paved. Entrance and approach paving shall be in accordance with the requirements for sidewalk construction in §8.08(5) of this chapter. Parking areas shall be paved with concrete, asphalt, or some other dust-free and track-free surface approved in advance by the City Engineer. This requirement shall apply to new driveway construction and to driveways substantially removed and replaced after August 26, 2009. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and
sidewalk in a neat, workmanlike manner.
(2314 08/25/2009)

(4) APPEAL. Any person aggrieved by a determination of the City Engineer or the Public Safety Committee may appeal, in writing, to the Council within 10 days of such determination. Upon making a determination that public interest and safety are not adversely affected, the Council may grant the driveway permit.

8.10 SPECIAL ASSESSMENT PROCEDURE.

[Historical Note: On October 5, 1993 the City adopted Ordinance No. 1703 and thereby established a special assessment procedure for projects in excess of $100,000.00 made pursuant to a written contractual arrangement with a Developer. On November 3, 1993, the City repealed Ordinance No. 1703 by adopting Ordinance No. 1707. Ordinance No. 1703 was never utilized by the City and no contracts were executed pursuant to said ordinance prior to its repeal.]

(1) SPECIAL ASSESSMENT METHOD. In addition to other methods provided by law, special assessments for any public work or improvement or any current service may be levied by alternate means. The Council hereby elects to levy such special assessments as provided in this section. It is the intent of the City to preserve the right to levy special assessments for any public work or improvement at any time to the fullest extent allowed by law. Therefore, in all cases, the Council may adopt a resolution determining to finance any public work or improvement by special assessments at any time either before or after completion of the work or improvement. (2078 03/26/2002)

(2) PRELIMINARY RESOLUTION. Whenever the Council shall determine that any public work or improvement shall be financed in whole or in part by special assessments levied under this section, it shall adopt a preliminary resolution setting forth the following:

(a) Its intent to exercise its police powers for the purpose of levying special assessments for the stated municipal purpose.
(b) The limits of the proposed assessment district.
(c) The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied.
(d) The number of installments in which the special assessments may be paid, or that the number of installments will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.
(e) The rate of interest to be charged on the unpaid installments or that the rate of interest will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.
(f) The terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property, or that such terms will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.
(g) The City Engineer shall prepare a report as required by sub. (3) below.

(3) REPORT OF CITY ENGINEER. Whenever the Council, by preliminary resolution, directs the City Engineer to prepare a report, the City Engineer shall prepare a report consisting of the following:

(a) Preliminary or final plans and specifications for the public work.
(b) An estimate of the entire cost of the proposed work or improvements, except that when the Council determines by preliminary resolution that the hearing on such assessments shall be held subsequent to the completion of the work or improvements, the report shall contain a statement of the final cost of the work, service or improvements in lieu of an estimate of such costs.
(c) A schedule of the proposed assessments.
(d) A statement that each property against which the assessments are proposed has been inspected and is benefited, setting forth the basis of such benefit.
(e) Upon completion of the report, the City Engineer shall file a copy of the report with the City Clerk.

(4) INCORPORATION OF STATUTORY PROVISIONS. The provisions of §66.0703, Wis. Stats., including those related to notice, hearing and the adoption of a final resolution, shall, to the extent not inconsistent with this section, apply to special assessments levied under this section.

(5) LIEN. Every special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the Council determining that amount of such levy.

8.11 MOVING BUILDINGS.

(1) PERMIT REQUIRED. No person shall move any building into or within the City without a permit from the Building Inspector upon 30 days'
notice. The denial of a moving permit by the Building Inspector may be appealed to the Board of Zoning Appeals as provided in Ch. 17 of this Code.

(2) APPLICATION. Application for a permit shall be made on forms provided by the Building Inspector.

(3) PERMIT FEE. For any building that is moved by use of heavy moving trucks or rollers, the fee shall be as provided in the Official Fee Schedule. For any building that is moved by the use of common carrier trucks or skids, the fee shall be as provided in the Official Fee Schedule. Such fees shall not include the fee for a building permit to rebuild or alter the building upon its new location within the City.

(4) BOND REQUIRED. Before a permit is issued, the mover must give a bond in the amount of $80,000 with good and sufficient sureties to be approved by the City Attorney conditioned that the mover shall save the City harmless from any liability arising out of the move and shall restore any street damaged by the move.

(5) INSURANCE REQUIRED. Before a moving permit shall be issued, the applicant shall submit to the Building Inspector a certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than $100,000 for any one person, $300,000 for any one accident and $50,000 for property damage.

(6) POLICE ESCORT SERVICE. The Police Department shall provide escort service at the request of the building mover. The first hour of escort service shall be provided without charge and each hour or fraction thereof thereafter shall be billed at the current wage rate, including fringes, per officer. The estimated amount of the escort fee shall be paid with the permit fee.

(7) NOTICE TO UTILITIES. Prior to the issuance of said permit, the owner or mover shall certify that he has notified all public utilities whose lines or poles may be interfered with during the movement of the building. Such utilities shall take whatever steps are necessary to permit the building to be moved without damage to its lines and poles and may charge the permittee the cost thereof.

(8) INSPECTION AND REPAIR OF STREETS AND HIGHWAYS. Every person receiving a permit to move a building shall, within one day after reaching its destination, report that fact to the Street Superintendent. The Superintendent shall likewise inspect the streets and highways over which said building has been moved and ascertain their condition. If the moving of said building has caused any damage to the streets or highways, the house mover shall forthwith place them in as good condition as they were before the permit was granted. Upon failure of the house mover to do so within 10 days thereafter to the satisfaction of the Superintendent, the City shall repair the damage done to such streets and highways and hold the sureties of the bond given by the house mover responsible for the payment of the same. (2033 11/14/2000)

8.12 HOUSE AND BUILDING NUMBERING SYSTEM ESTABLISHED. (1933 03/10/98)

(1) BUILDING NUMBERING CHART. All lots, parts of lots and parcels of land in the City shall be numbered in accordance with the Building Numbering Map on file in the office of the Building Inspector. All newly plotted lots shall be numbered to conform to the general scheme of numbering as shown on said Map.

(2) APPLICATION. Applications for house and building numbers shall be made to the Building Inspector. The Building Inspector shall give the applicant a certificate stating the number assigned and shall enter the number assigned on the Building Number Map.

(3) NUMBERING REQUIRED. (1933 03/10/98)

(a) Existing Buildings. By July 1, 1998, the owner of every existing house, dwelling unit, apartment building, condominium unit, business establishment, industrial establishment, or other building in the City shall cause to be installed the numerals indicating the number assigned to each building in compliance with the City's numbering system and with §(4)(b) below. If the front entrance to the building is clearly visible from the frontage street at all times, the assigned numbers shall be attached securely or applied to the building within 5 feet of its front entrance or directly above the garage door of a garage which is attached to or a part of the principal building and which faces the frontage street. If the Building Inspector determines that the assigned numbers are not clearly visible from the frontage street when such numbers are located on the front of the principal building or the garage, the numbers shall be displayed in a manner so as to be clearly visible from the frontage street at all times and the Building Inspector shall be authorized to order the appropriate method and site for the display of the assigned numbers.

(b) New or Remodeled Buildings. Prior to the completion of a new or remodeled building the owner thereof shall cause the assigned numbers to be attached or erected in accordance with §(4)(a) below. No occupancy permit shall be issued for
a new or remodeled building unless the building complies with the City's numbering system and with §(4)(a) below.

(c) Private Developments. By July 1, 1998, the owner of an existing or new private development, such as a condominium, apartment complex, or other residential or commercial development with one or more buildings fronting on a privately owned street or right-of-way, shall cause to be installed and maintained private street name signs at all intersections of private streets and public streets. Each private street sign shall be installed in accordance with the specifications for the design, manufacture, and installation of public street signs. The owner of every existing building fronting on a private street shall cause to be installed and maintained the numerals indicating the number assigned to such building by the Building Inspector in accordance with the City's numbering system and with §(4)(b).

(4) NUMBERING STANDARDS.

(a) New or Remodeled Buildings. This subsection shall apply to all new or remodeled buildings in the City. Only numerals shall be used to indicate the number of a building. The numerals shall be no less than 4 inches in height and shall be attached or applied horizontally. The numerals shall be bright metal or plainly painted so as to be clearly distinguishable from the underlying building and clearly readable from the public or private street upon which the building fronts. The numerals shall be located no higher that the first or ground floor of the building. Each residential building shall be assigned its address off the street upon which the residence fronts. Each commercial building shall be assigned its address off the street from which the building gains primary access to the property. Commercial buildings in the Central Business District with any entrance in the rear of the building shall display the numerals on the front and rear of the building. Apartment buildings shall display the numerals on the front of the building and, where a primary or secondary entrance to the apartment is located in the rear of the building, the numerals shall be placed at the front entrance and at the rear entrance to the building. In all cases, the owner of the building shall be responsible for maintaining such numbering in a good state of repair and properly affixed or erected as provided in this section.

(b) Existing Buildings. This Subsection shall apply to all existing buildings in the City. Existing buildings which as of July 1, 1998, have attached or applied to the building numerals indicating the correct number assigned to the building in accordance with the City's numbering system, shall comply with the numbering standards set forth in §(4)(a), except that existing numerals may be retained if only numerals are used to indicate the number of the building and the numerals are no less than 2.5 inches in height and are applied or attached horizontally. If existing numerals are replaced any time after July 1, 1998, the new numerals shall comply in all respects with the provisions of §(4)(a).

(5) ENFORCEMENT AND PENALTY. The Building Inspector shall be authorized to establish uniform standards and procedures for implementing the provisions of this section. The Police Department, the Fire Department, and the Building Inspector shall be authorized to enforce the provisions of this section. Any person who violates, disobeys, neglects, omits, or refuses to comply with, or who resists the enforcement of this section shall be subject to a penalty as provided in §25.04 of this Code.

8.13 PUBLIC TREES, SHRUBS REGULATED

(1) APPOINTMENT. The Baraboo and Parks Recreation Commission shall govern the City's Forestry Program and shall appoint the Director of Parks, Recreation and Forestry, or designee, to direct, manage, supervise and control the planting, maintenance, removal and protection of trees and shrubs in the City of Baraboo, including other duties of an urban forestry program.

(2) PUBLIC TREES, SHRUBS DEFINED. For the purposes of this Section, public trees and/or shrubs shall mean all trees and shrubs on or in that part of every street, the grade of which has been established, lying between the lot line and the curb, or in the center or side lots in all boulevards, tree banks and parkways, and in all public parks or grounds belonging to the City or on any other public right-of-way.

(3) PERMIT REQUIRED. No persons shall plant, transplant, move, spray, brace, trim, prune, cut above or below ground, disturb, alter, perform surgery on, or cause, permit or allow such acts to be done by others, on any public tree or shrub within the City without first obtaining a permit therefor from the City Forester. Such permit shall be subject to any conditions for the protection of life and property imposed by the City Forester. The City Forester may issue a pruning permit on an annual basis to any public utility corporation
operating a business within the City or to a licensed arborist. No person shall do, or cause to be done by others, any of the following acts, without first obtaining a written permit from the City Forester:

(a) Secure, fasten or run any rope, wire, sign, unprotected electrical installation or other device or material to, around, or through a public tree or shrub.

(b) Break, injure, mutilate, deface, kill or otherwise destroy any public tree or shrub.

(c) Cause or permit any fire to burn where it will injure any public tree or shrub.

(d) Cause or permit any toxic chemical, gas, smoke, salt brine, oil, or other hazardous substance, as identified by the Wisconsin Department of Natural Resources under §291.05, Wis. Stats., to be spilled, discharged, drained or deposited upon or about any public tree or shrub.

(e) Lay any drive within 10 feet of any public tree or shrub.

(f) Excavate any ditch, tunnel or trench within 5 feet of any public tree or shrub provided that any public utility corporation may auger under a public tree or shrub and excavate to within 5 feet of any public tree or shrub, but such public utility shall be liable for any injury or damage caused to any public tree or shrub, and if any public tree or shrub is permanently damaged due to the acts of a public utility corporation, it shall be removed, including the stump, and shall be replaced by a tree at least 10 feet tall, or as otherwise approved by the City Forester, all at the expense of the utility.

(g) Erect, alter, repair or raze any building or structure without placing suitable guards around all nearby public trees or shrubs that may be injured by such operations.

(h) Knowingly permit or allow any unprotected electric service wires to come in prolonged contact with any public tree or shrub.

(i) Remove any guard, stake or other device or material intended for the protection of any public tree or shrub.

(j) Block, obstruct or close any open space above the base of any public tree or shrub thereby preventing or reducing access of air, water or fertilizer.

(k) Plant any tree or shrub that grows to a mature height in excess of 30 feet where overhead electrical utility wires exist.

(l) Plant any tree or shrub that will obtain a mature height of 35 to 50 feet in poorly drained soils on public property.

(m) Plant any tree closer than the distance recommended by the specifications for the tree species involved.

(n) Plant any of the following trees on public property:

1. Black walnut - Juglans nigra L.
2. Butternut - Juglans cincrea L.
3. Northern Catalpa - Catalpa speciosa warder.
4. Female Box Elder-Acer Negundo L.
5. Elm of any variety of the genus Ulmus L.
6. Willows of any variety of the genus Salix L.
7. Black Locust - Robinia pseudoaeacicia L.

(4) EXCEPTIONS. No permit shall be required to cultivate, fertilize or water public trees or shrubs.

(5) TRIMMING OF PUBLIC TREES AND SHRUBS REGULATED.

(a) All equipment used for pruning or trimming of public trees shall be disinfected after each tree is completed to prevent any spread of disease.

(b) All pruning or trimming of public trees shall be done in accordance with the most recent addition of Pruning Standards for Shade Trees adopted by the National Arborist Association on file in the office of the City Forester.

(c) Trees along public right-of-ways, or private premises adjacent to public right-of-ways or public areas, shall be pruned or trimmed so that the lowest limbs or branches are at a minimum 14 feet above the ground. The Forester may waive the provisions of this section for newly planted trees if he determines they do not interfere with public travel or endanger public safety.

(d) Private trees extending over a sidewalk shall be trimmed to keep a minimum of an 8-foot clearance below the lowest branch.

(6) RESERVED.*

(7) OBSTRUCTION OF VIEW AT INTERSECTIONS PROHIBITED. After August 13, 1996*, no person shall plant or permit to be planted any tree, shrub, plant, or any other obstruction greater than 24* inches high in any visual clearance triangle, or which may obstruct the view of an operator of a vehicle or bicycle approaching an intersection. The City Forester
may order the removal of any tree, shrub, or plant which is located in any visual clearance triangle or which, in his judgment, may obstruct the view of the operator of a vehicle or bicycle at any intersection in the City. (See also §10.05(4) and Vision Clearance §17.39 of this Code.) (1879 08/13/96)

(*City Attorney Note: On August 13, 1996, the Council completely revised Subchapter 1, Chapter 17 of the City Zoning Code by Ordinance 1879. In the new Zoning Code the term “vision clearance” is defined thereby repealing the definition of this term formerly found at s.8.13(6). The revised Zoning Code also decreased the permitted height of objects in the vision clearance triangle from 36 inches to 24 inches. Thus, between July 1, 1986 and August 13, 1996, the permitted height of objects in the vision clearance triangle is 36 inches and effective August 13, 1996, the permitted height is 24 inches.)

8.14 LEASE UNDER BROADWAY STREET GRANTED TO SAUK COUNTY. (1794 03/28/95)

WHEREAS, Sauk County is the owner of lands fronting on Broadway Street in the City between Third Avenue and Fourth Avenue and the Sauk County Courthouse complex is presently situated on the east side of Broadway Street and the County is constructing a new County building on the west side of Broadway Street and the County has requested that the City grant it permission to construct an underground concourse beneath Broadway Street connecting the two public facilities and both buildings serve the whole public of the City of Baraboo and Sauk County and by connecting the two facilities by an underground concourse citizens of the City of Baraboo and Sauk County, as well as the general public, will be able to go from one facility to the other safely, efficiently and conveniently, and the underground concourse will further improve the efficiency and effectiveness of the services provided by Sauk County to the citizens of Baraboo and to the general public thereby reducing general property taxes in the County and this Council has determined that for all of the foregoing reasons it is in the best public interest and the whole public of Sauk County will be better served if the City grants the County a lease under Broadway Street to construct the underground concourse between the two County owned public facilities.

(1) AUTHORITY GRANTED TO ENTER INTO UNDERGROUND LEASE WITH SAUK COUNTY. The Common Council shall be empowered to enter into an agreement with the Sauk County Board of Supervisors thereby leasing to Sauk County sufficient space under Broadway Street between Third Avenue and Fourth Avenue for the purpose of constructing, maintaining and using an underground concourse connecting the Sauk County Courthouse located on the east side of Broadway Street to the Sauk County Resource Building located on the west side of Broadway Street for a term of 99 years, and which lease shall be renewable for successive 99 year terms or so long as Sauk County is the owner of the two facilities connected by the underground concourse and so long as the use of the underground concourse does not interfere with the free and unobstructed use of the surface of the Broadway Street right-of-way by the City and the general public. This lease is granted pursuant to the provisions of §66.048(4), Wis. Stats. (1993-94). This section further releases Sauk County from the specific requirements contained in §66.045(2), Wis. Stats. (1993-94) regarding the removal of the concourse upon 10 days notice and the requirement to post a bond. The Common Council shall be authorized to include in the lease with Sauk County such other terms and conditions as the Council determines to be in the best public interest.

8.15 VEGETATIVE MATERIAL NOT TO BE DEPOSITED IN STREET. Vegetative materials, including but not limited to leaves, brush, branches, and limbs, shall not be placed upon the paved portion of a street or alley. Any person violating this subsection shall be subject to forfeiture as provided in §25.04 of The City Code. Each day any violation of this subsection continues shall constitute a separate offense. (2340 06/22/2010)

8.16 OCCUPATION OF THE PUBLIC RIGHT-OF-WAY. Findings and Purpose. In the exercise of its police powers, the City has priority over all other uses of the public right-of-way. The City desires to anticipate and minimize the number of permanent and semi-permanent obstructions and occupations in the public right-of-way, including utility facilities, to ensure that public right-of-ways remain available for public services and safe for public use. Right-of-way users who obstruct or occupy the right-of-way will bear a fair share of the financial responsibility for the integrity of the right-of-way. This ordinance is in addition to and should be used in conjunction with §8.03. Baraboo Municipal Code, as applicable, and differs from §8.04. Baraboo Municipal Code, as the regulations contained in this section are for obstructions and occupations that are not intended to be temporary. This ordinance shall not take precedent over state statute, and any conflicting term in this ordinance with state statute shall result in said term being effectively struck from this ordinance. (2462 07/25/2017)

(1) DEFINITIONS. The following definitions apply in this ordinance. References to "sections" are, unless otherwise specified, references to sections in this ordinance. Defined terms remain defined terms whether or not capitalized.
(a) **APPLICANT** means any person applying for a permit.

(b) **CITY** means the City of Baraboo.

(c) **DEPARTMENT** means the City's Department of Planning and Zoning.

(d) **DEPARTMENT INSPECTOR** means any person authorized by the Department to carry out inspections relating to the provisions of this chapter.

(e) **EMERGENCY** means a condition that (1) poses a clear and immediate danger to life or health, or of a significant loss of property, and/or (2) requires immediate repair or replacement in order to restore service to a customer.

(f) **FACILITIES** means any object including, but not limited to, equipment owned, operated, leased or subleased in connection with the operation of a service or utility service, and shall include, but is not limited to, poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines and other structures and appurtenances, that is designed to or will permanently or semi-permanently obstruct or occupy a right-of-way.

(g) **IN**, when used in conjunction with "right-of-way," means over, above, in, within, on or under a right-of-way.

(h) **LOCAL REPRESENTATIVE** means a person primarily located in the state of Wisconsin authorized by a Registrant to accept service and to make decisions for the Registrant regarding all matters within the scope of this chapter. If the Registrant is primarily located within the state of Wisconsin, a Local Representative is not required.

(i) **OBSTRUCT** means to place any facility in a right-of-way as to hinder free and open passage over/under on or in that or any part of the right-of-way, or to limit the ability of a person to view past any part of that right-of-way.

(j) **OCCUPY** means a facility that is located above, on, in, or below the boundaries of the public rights-of-way.

(k) **PERMIT** means a permit issued by the Department allowing for the obstruction and/or occupation of a right-of-way pursuant to the terms of this chapter.

(l) **PERMITTEE** means any person to whom a permit to obstruct or occupy a right-of-way has been granted by the City under this chapter. The Permittee and Registrant may be the same person or different people (i.e., the Permittee may be a locally based person doing work on behalf of an out-of-state Registrant).

(m) **PERSON** means a municipality, corporation, company, including a "Company" defined as § 182.017(1g)(b), Wis. Stat., association, firm, partnership, limited liability company, limited liability partnership and individuals and their lessors, transferees and receivers.

(n) **PSCW** means the Public Service Commission of Wisconsin.

(o) **PUBLIC UTILITY** has the meaning provided in Wis. Stat. § 196.01(5).

(p) **REGISTRANT** means any person who seeks to obstruct or occupy a right-of-way with a permanent or semi-permanent facility or facilities.

(q) **REPAIR** means to perform work necessary to make the right-of-way usable for travel, according to department specifications, or to return facilities to a condition that is in as good or a better condition as the facilities were before the work commenced.

(r) **RIGHT-OF-WAY** means the surface and space above and below a public roadway, highway, street, bicycle lane, landscape terrace, shoulders, side slopes, and public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes.

(s) **RIGHT-OF-WAY USER** means a person obstructing and/or occupying the right-of-way, or seeking to obstruct and/or occupy the right-of-way.

(t) **SERVICE** or **UTILITY SERVICE** includes services such as municipal sewer and water services and services provided by a Public Utility or a Company subject to § 182.017, Wis. Stat., and other similar services.

(u) **UNUSABLE FACILITIES** means facilities in the right-of-way which have remained unused for one (1) year and for which the registrant is unable to provide proof that it has either a plan to begin using them within the next twelve (12) months or has a potential purchaser or user of the facilities, with said purchase or use to occur in the next twelve
months.

(2) ADMINISTRATION. The Department is responsible for the administration of the right-of-way.

(3) REGISTRATION. A person who owns, leases or subleases facilities which occupy or obstruct the right-of-way shall register with the Department and pay the fee on file with the Department. No person shall construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof in any right-of-way without first being registered. Nothing herein shall be construed to repeal or amend the provisions of any City ordinances requiring persons to plant or maintain the tree lawn in the area of the right-of-way between their property and the street curb, construct sidewalks, install street signs or perform other similar activities. Persons performing such activities shall not be required to obtain a permit under this chapter, although a permit or permits may be required by another City ordinance.

(a) Information required. The information provided to the Department at the time of registration shall include, but may not be limited to:

a. Each registrant’s name, Diggers Hotline registration certificate number, address, email address, telephone and facsimile numbers, in addition to the name, address, e-mail address, telephone and facsimile numbers of a local representative, if applicable.

b. A copy of the registrant’s certificate of authority from PSCW or other applicable state or federal agency when the registrant is lawfully required to have such certificate.

c. Execution of an indemnification agreement in a form prescribed by the City.

d. Agreement by the registrant that the registration shall keep all of the information listed above current at all times by providing to the Department information as to changes within fifteen (15) business days following the date of any change.

(b) Registration fee.

a. Annual registration fee. Each registrant shall annually renew its registration. The Department shall establish the registration fee in an amount sufficient to recover the costs incurred by the City for processing registrants. This fee shall be computed as the average of labor costs, indirect costs, and other costs associated with registration unless otherwise regulated by law, in which case the lesser amount shall apply.

b. Fee computation. The Department may recalculate and establish a new registration fee each year as permitted by law and ordinance and said fee shall be on file with the Department.

(4) PERMIT. Except as otherwise provided in this chapter or other City ordinance, no person shall obstruct or occupy a right-of-way or place a facility in a right-of-way without first having obtained a permit from the Department. This permit is separate and distinct from the registration requirement. No person shall obstruct or occupy a right-of-way beyond the date specified in the permit. The permit must be made available at all times by the Permittee at the work site or be available for inspection by the Department inspector immediately upon request.

(a) Permit application. Applications for a permit shall be available from the Department and made to the Department. Permit applications shall contain, and will be considered complete, only upon compliance with the requirements of the following provisions:

a. Proof of registration as required by this chapter;

b. Submission of a completed permit application form, including scaled drawings.

c. The applicant shall identify in detail the location of the proposed project and any affected right-of-way, public utility easements, and the location of all existing and proposed facilities within the project area in addition to installation details, traffic control plans and other details requested by the Department.

d. If the proposed project involves the installation of a pole or tower in the right-of-way, the applicant may be required to submit evidence sufficient to demonstrate that the applicant is prohibited from using an existing pole or tower (either owned by the applicant or a third-party) because such use is technically infeasible, economically prohibitive, or prohibited by law.
e. A signed statement that the applicant and registrant will comply with all local, state, and federal codes including, but not limited to, safety, building, traffic control codes, and the Manual of Uniform Traffic Control Devices (MUTCD).

f. If the proposed project involves the installation of a pole or tower in the right-of-way that is greater than ten (10) feet taller than existing poles or towers in nearby right-of-way, the applicant may be required to submit to the Department evidence sufficient to demonstrate that:
   1. the greater height is required to accomplish the applicant's purposes;
   2. the applicant is prohibited from using existing poles or towers (either owned by applicant or a third party) to accomplish its purposes because such use is technically infeasible, economically prohibitive, or prohibited by law; and
   3. the pole or tower, due to its height and size, poses no greater danger to the health, safety, and welfare of the public than existing poles in nearby right-of-way.

(b) Payment. Prior to a permit application being considered for approved, the applicant will be responsible for the full payment for the following:
   a. Applicable fees and costs as set forth in this chapter;
   b. Unpaid fees or costs due by the applicant, registrant, and local representative to the City; and
   c. Any loss, damage, or expense suffered by the City because of applicant, registrant and local representative’s prior actions.

(c) Insurance. Prior to a permit application being approved, the applicant must furnish to the City Clerk a certificate of liability insurance in the amounts required by the City, at minimum, with the City named as an additional insured. A copy of said minimum amounts shall be available from the City Clerk.

(d) Bond. Prior to a permit application being approved, the applicant must post a permit bond in the amount of $5,000, with said bond being valid for a minimum of one (1) year after the conclusion of the work described in the permit.

(e) Permit fee. The permit fee shall be established by the Department and approved by the City Council in an amount sufficient to recover the costs incurred by the City. This fee shall recover costs incurred by the City for the following categories:
   a. Administrative: The general formula for computing the administrative fee shall be the average per-permit costs for labor plus indirect and other costs.
   b. Repair: No repair fee shall be collected by the City. However, the permittee shall be required to repair the public right-of-way to Department specifications, subject to inspection and acceptance by the Department.

(f) City exemption. The City shall not pay fees nor shall any person performing work in the right-of-way pursuant to a contract with the City.

(g) Fee computation. The Department may recalculate and establish a new fee structure each year, subject to the approval of the City Council.

(h) Refunds. If a permit application is denied and the fee has already been paid, the City shall refund the fee within thirty (30) calendar days of the denial date. In the event the applicant decides to not use the permit, for any reason, but has already paid the permit fee, the permit fee shall not be refunded. Permit fees paid for a permit that the Department revoked for a breach of this chapter are not refundable.

(5) WORK IN THE RIGHT-OF-WAY. Any work to be done under a permit, and the repair of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the Permittee or when work was prohibited as unreasonable or unreasonable. The Permittee shall perform repairs according to the specifications of...
the Department and in accordance with the conditions specified in the permit. The Department shall have the authority to prescribe the manner and extent of the repair and may do so in written procedures of general application or on a case-by-case basis.

(a) Guarantees. The Permittee guarantees its work and shall maintain said work following its completion, except for organic material, for twelve (12) months. The Permittee shall, upon notification from the Department, correct all repair work to the extent necessary, using the method required by the Department. Said work shall be completed within ten (10) calendar days of the receipt of the notice from the Department, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable.

(b) Failure to repair. If the Permittee fails to repair the right-of-way in the manner and to the condition required by the Department, or fails to satisfactorily and timely complete all repair required by the Department, the Department at its option may do such work, in which event the Permittee shall pay to the City, within thirty (30) calendar days of the receipt of the notice from the Department, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable. Nothing contained in this section shall prohibit the City from using any reasonable means of collection.

(6) INSPECTION. The Permittee shall notify the Department within one (1) business day of any work under this chapter is completed. The Permittee shall make the work site available to the Department inspector and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work. At the time of inspection, the Department inspector may order the immediate cessation of any work that poses a threat to the life, health, safety, or well-being of the public. The City may issue an order to the Permittee for any work that does not conform to the applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) calendar days after issuance of the order, the Registrant or Permittee must present proof to the Department that the violation has been corrected. If such proof has not been presented within the required time, the Department may revoke the permit.

(7) FALL RADIUS BREAKAWAY REQUIREMENTS. Poles and other utility structures over sixty (60) feet in height shall be located so that all residential, commercial, retail or other occupied buildings are outside the fall radius of the structure. Rigid non-breakaway poles and other utility structures shall be located a minimum of ten feet (10') from roadway curbs or shoulders and behind existing or future sidewalks.

(8) JOINT PERMIT APPLICATIONS. Registrants who apply for permits for the same work, which the Department does not perform, may share in the payment of the permit fee. Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

(9) OTHER OBLIGATIONS. Obtaining a permit to occupy or obstruct the right-of-way does not relieve a Permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other City, County, State, or Federal rules, laws or regulations. A Permittee shall comply with all requirements of local, state, and federal laws. A Permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work. Except in an emergency, or with the approval of the Department, no right-of-way work may be done when seasonally prohibited or when conditions are unreasonable for such work.

(10) REVOCATIONS, SUSPENSIONS, REFUSALS TO ISSUE OR EXTEND PERMITS. The Department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:

a. Registration has not been completed or updated as required by this chapter;

b. The permit application is incomplete;

c. The Permittee is seeking to perform work not included in its plan submitted to the Department, which work was reasonably foreseeable by the Applicant or Permittee at the time said plan was filed;

d. Issuance of a permit for the requested date would or interfere with an exhibition, celebration, festival, or other event;

e. Misrepresentation of any fact by the Registrant, Applicant or Permittee;
f. Failure to maintain and provide proof of the required bonds and/or insurance;

g. Failure to complete work in a timely manner;

h. The proposed reason for the obstruction or occupation is contrary to the public health, safety or welfare;

i. The extent to which space is available in the right-of-way for which the permit is sought;

j. The availability of other more appropriate locations in the right-of-way or in other rights-of-way;

k. If the Applicant proposes to install a new pole or tower in the right-of-way, the availability of other existing poles or towers;

l. The applicability of ordinances or other regulations of the right-of-way that affect location of the proposed obstruction or occupation;

m. The condition of the right-of-way and or whether and when it is scheduled for total or partial reconstruction; and/or

n. The Registrant, Applicant or Permittee is otherwise not in full compliance with the requirements of this chapter or any other applicable law or regulation.

11) DISCRETIONARY ISSUANCE. Notwithstanding the above Section, the Department may issue a permit where issuance is necessary to prevent substantial economic hardship to a customer of the Registrant or Applicant, to allow such customer to materially improve its Public Utility service, and/or to allow the Registrant or Applicant to comply with state or federal law or City ordinance or an order of a court or administrative agency.

12) APPEALS. The City shall approve or deny a permit application no later than sixty (60) calendar days after receipt of the application. If the City fails to act on the application within that period, the application shall be deemed granted and the City shall issue the permit. If the City denies a permit application, the City shall provide applicant with a written explanation of the reason for the denial at the time the City denies the application. Any person aggrieved by a decision of the Department revoking, suspending, refusing to issue, or refusing to extend a permit may, within ten (10) calendar days of the Department’s decision being issued, file a written request with the Department seeking a review of the decision by the City’s Administrative Committee. Following a hearing, the Committee may affirm, reverse or modify the decision of the Department. The decision of the Administrative Committee is final.

13) WORK DONE WITHOUT A PERMIT.

a. Emergency Situations. A Registrant or Permittee must immediately notify the City of any event regarding its facilities that it considers an emergency. The Registrant or Permittee may take whatever actions are necessary to respond to the emergency. Within two (2) business days after the emergency, the Registrant or Permittee must apply for the necessary permits, pay the fees associated therewith, and otherwise fully comply with the requirements of this Chapter. If the City becomes aware of an emergency regarding a Registrant's facilities, the Department will attempt to contact the Registrant and the Local Representative. The City may take whatever action it deems necessary to protect the public safety as a result of the emergency, the cost of which shall be borne by the Registrant whose obstruction/occupation occasioned the emergency.

b. Non-Emergency Situations. Except in an emergency situation, any person who, without first having obtained the necessary permit, obstructs or occupies a right-of-way must subsequently register and apply for a permit, and shall, in addition to any penalties prescribed by ordinance, pay four times the normal fee for said permit, pay double all other fees required by this chapter or other applicable chapters of the City code, deposit with the Department the fees necessary to correct any damage to the right-of-way, and comply with all of the requirements of this chapter. If a subsequent permit is denied or is not approved, the Registrant shall discontinue and abandon the right-of-way and the Department may cause any offending conditions to be removed or corrected and the expense thereof charged to the person responsible.

14) SUPPLEMENTARY NOTIFICATION AND APPLICATION. If obstruction or occupation in the right-of-way begins later or ends sooner than the date given on the permit, the Permittee shall notify the Department of the accurate information as soon as this information is known. A permit is valid only for the area of the right of way specified in the permit. Facilities must be installed/placed within eighteen inches (18") of the area shown on the approved permit. Any Permittee which determines that an area greater than that specified in the permit must be occupied or obstructed, before making said change must apply for a new permit and pay any additional fees required thereby, and be granted a new permit.
(15) **CORRIDORS.** The Department may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of obstruction or occupation, including facilities, that is or, pursuant to current technology, the City expects will someday be located within the right-of-way. Any Registrant who obstructs/occupies a right-of-way in a position at variance with the corridors established by the City shall, no later than at the time of the next reconstruction or excavation of the area where the obstruction/occupation is located, move the obstruction/occupation to the assigned position within the right-of-way, unless this requirement is waived by the City for good cause shown upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the Registrant.

(16) **LIMITATION OF SPACE.** To protect health, safety, and welfare, or when necessary to protect the right-of-way and its current use, the Department may prohibit or limit the placement of new, replacement or additional obstructions or occupations, including facilities, within the right-of-way if there is insufficient space to accommodate all of the requests of persons to occupy and use the right-of-way. In making such decisions, the Department shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

(17) **RELOCATION.** Except as prohibited by State or Federal law, a Registrant must promptly and at its own expense, with due regard for seasonal working conditions, permanently relocate its facility located in the right-of-way whenever the Department requests such relocation, and shall restore the right-of-way to the same condition it was in prior to said relocation. The Department may make such request to prevent interference by the Registrant's facility with (i) a present or future City use of the right-of-way, (ii) a public improvement undertaken by the City, (iii) when public health, safety and welfare require it, and/or (iv) when necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way. Notwithstanding the foregoing, relocation shall not be required in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the person therefor.

(18) **INTERFERENCE DURING MUNICIPAL CONSTRUCTION.** When the City performs work in the right-of-way and finds it necessary to maintain, support, shore, or move a Registrant's facilities, the City shall notify the Registrant and Local Representative. The Registrant and/or Local Representative shall meet with the Department inspector within 24-hours of a request by the Department inspector to coordinate the protection, maintenance, supporting, and/or shoring of the Registrant's facilities. The Registrant and/or Local Representative or designee shall accomplish the needed work within 72 hours, unless the City agrees in writing to a longer period. In the event that the Registrant and/or Local Representative does not proceed to maintain, support, shore, or move its facilities, the City may arrange to do the work and bill the Registrant and Local Representative for costs it incurs as well as damages of $100 per day beyond the 72 hour deadline to accomplish the needed work, with said bill to be paid within thirty (30) days or the permit may be revoked and collection actions may take place.

(19) **INDEMNIFICATION.** By registering with the City, or by accepting a permit under this Chapter, the Registrant, Local Representative, Applicant and Permittee, and all agents, contractors, employees, officers or other designees thereof, agrees to indemnify, defend, and hold harmless the City, its officers, boards, committees, commissions, elected officials, employees and agents (collective, "Indemnified Parties"), from and against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon an Indemnified Party for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the permittee's acts or omissions in the exercise of its rights under this permit, whether caused by or contributed to by the City or its agents or employees except in such cases where caused by the sole negligence or willful misconduct of the City.

(20) **ABANDONED FACILITIES.**

(a) A Registrant who discontinues its operations in the City must, within seventy-two (72) hours of the discontinuation, either provide information satisfactory to the Department that the Registrant's obligations for its facilities under this chapter have been lawfully assumed by another registrant; or submit to the Department a proposal and instruments for dedication of its facilities to the City. If a registrant proceeds under the latter clause, the City may, at its option: accept the dedication for all or a portion of the facilities; or require the Registrant, at its own expense, to remove the facilities in the
right-of-way at ground or aboveground; or require the Registrant to post a bond or provide payment sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities.

(b) A Registrant who has unusable and abandoned facilities in any right-of-way shall remove it from the right-of-way within six (6) months, unless the Department waives this requirement.

(c) Facilities of a Registrant that has been abandoned for more than six (6) consecutive months and remains unused shall be deemed to be abandoned. Abandoned facilities may deemed by the City to be a nuisance. In addition to any remedies or rights it has at law or in equity, the City may, at its option, abate the nuisance pursuant to City ordinance and state statute, take possession of the facilities, and/or require removal of the facilities by the registrant, or the registrant's successor in interest.

(d) This section shall not apply to a Public Utility that is required to follow the provisions of § 196.81, Wis. Stat. (2462 07/25/2017)

8.17 **PENALTY.** The penalty for violation of any provision of this chapter shall be a penalty as provided in §25.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues.
CHAPTER 9
ORDERLY CONDUCT

9.01 Offenses Against State Laws Subject to Forfeiture
9.015 Inchoate Offenses
9.02 Use of Firearms
9.03 Throwing or Shooting of Arrows, Stones and Other Missiles Prohibited
9.04 Marijuana, Possession and Use Prohibited
9.05 Sale and Use of Fireworks Regulated
9.06 Loud and Unnecessary Noise Prohibited
9.07 Loitering and Panhandling Prohibited
9.08 Consumption of Fermented Malt Beverages and Intoxicating Liquor on Public Property and Parking Lots Prohibited
9.09 Animals Regulated
9.10 Prohibited Keeping of Certain Reptiles, Insects, Crocodilians, Spiders, Wild Animals, and Other Creatures; Regulation of Livestock and Poultry
9.11 Littering Prohibited
9.12 Encumbering Streets and Sidewalks Prohibited
9.13 Camping Prohibitions
9.14 Open Cisterns, Wells, Basements or Other Dangerous Excavations Prohibited
9.15 Abandoned or Unattended Refrigerators, etc., Prohibited
9.16 Curfew Hours for Minors
9.16A Truancy Violation
9.16B Habitual Truancy
9.17 Vehicle Repairs and Maintenance in Right-of-Way Prohibited
9.17A Regulations of Tree Bank Plantings
9.18 Worrying Parade Animals Prohibited
9.19 Deposit of Non-City Garbage Restricted
9.20 Use of Motorized Vehicles on University of Wisconsin Center Campus Regulated
9.21 Use of Cigarettes and Tobacco Products by Children Prohibited
9.21A Smoking or use of Tobacco Products Prohibited on the University of Wisconsin Baraboo/Sauk County Property
9.21B Smoking, Vaping and the Use of Tobacco Products Prohibited in City Buildings
9.22 Obstructing Officer Prohibited
9.23 Possession of Drug Paraphernalia Prohibited
9.24 Current Membership and Age Requirements for Use of Civic Center Weight Lifting and Fitness Rooms
9.25 Unlawful Trespass
9.26 Enforcement of City Ordinances on Sauk County Owned Property
9.27 Uniform Citation Method Adopted
9.28 Penalty
9.29 Sexting Prohibited
9.30 Public Urination and Defecation Prohibited

9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. The following statutes following the prefix "9" defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the City, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under §25.04 of this Code. (2323 10/27/2009; 2339 06/06/2010; 2366 10/11/2011; 2380 06/12/2012; 2459 07/11/2017)

9.101.123 Smoking Prohibited in Public Places
9.134.65 Cigarette and Tobacco Products Retail License

9.943.01(1) Criminal Damage to Property (Where Damage is less than $200)
9.943.20 Theft (Less Than $100)
9.943.50 Shoplifting
9.947.01 Disorderly Conduct
9.947.13 Harassment
9.943.212 Defrauding a Hotel, Restaurant, Recreation Attraction, Taxi, or Gas Station
9.943.215 Absconding without Paying Rent
9.943.24 Issuance of Worthless Checks
9.961.573(1) Possession of Drug Paraphernalia
9.943.13(1m)(c) Enters or remains on property while concealed carry when notified not to enter or remain.
9.948.45 Contributing to Truancy.

9.05 SALE AND USE OF FIREWORKS REGULATED. (2331 08/08/2006)
(1) DEFINITION. The definition of “fireworks” stated in §167.10(1), Wis. Stats., is hereby adopted by reference.
(2) SALE REGULATED. Except as provided in §167.10(2) and (4), Wis. Stats., no person shall sell, or possess with the intent to sell, fireworks.
(3) USE REGULATED. Except as provided in §167.10(3), Wis. Stats., no person shall possess or use fireworks without a user's permit issued pursuant to sub. (4) below.
(4) **USER'S PERMIT.** As provided in §167.10(3), Wis. Stats., the Mayor may issue fireworks user's permits or other City official designated by the Mayor. The official issuing the permit shall require a certificate of liability insurance, or other similar proof of coverage, in an amount he deems necessary. The permit shall specify the date and location for which it is valid. A copy of the permit and proof of insurance shall be filed with the City Clerk, and copies of the permit shall be given to the Fire Chief and the Chief of Police at least 2 days before the authorized use. Every permitted use shall be handled by competent operator. Every permitted use shall be of such composition and character and shall be located, discharged, or fired so as, in the opinion of the Baraboo Fire Chief, after proper site inspection, not to be hazardous to any person or property. After a permit has been granted, possession and use of fireworks for permitted uses shall be lawful for the permitted date and location only. No permit granted hereunder shall be transferable.

(5) **USE OF CERTAIN DEVICES REGULATED.** No person may use fireworks or devices listed in §167.10(1)(e) to (g) and (i) to (n), Wis. Stats., including, but not limited to, caps, toy snakes, model rocket engines, sparklers or cone fountains at a fireworks display for which a permit has been issued if the display is open to the general public.

(6) **USE OF CERTAIN DEVICES PROHIBITED ON SCHOOL GROUNDS.**

(a) Except as provided in (4) above, no person may use or possess those fireworks or devices described in §167.10(1)(e) to (g) and (i) to (n), Wis. Stats. on any of the University of Wisconsin Center Baraboo- Sauk County Campus property owned by the City of Baraboo and Sauk County or on any property owned by the School District of Baraboo or the sidewalks, tree banks, streets or public rights-of-way immediately abutting said properties. This prohibition includes, but is not limited to, caps, toy snakes, sparklers and cone fountains.

(b) No parent, guardian or other person having custody or charge of a minor under the age of 14 shall permit or allow such minor to violate par. (a) above.

(c) Any peace officer observing any person who appears to be violating par. (a) above may confiscate such devices or fireworks.

(7) **All fireworks displays shall conform with the National Fire Protection Association Code Chapters 1123: Code for Fireworks Display, and 1126: Use of Pyrotechnics Before a Proximate Audience.**

9.06 **LOUD AND UNNECESSARY NOISE PROHIBITED.**

(1) **GENERALLY.** No person shall make or cause to be made any unreasonably loud, disturbing, or un-necessary sounds or noises such as may tend to annoy or unreasonably disturb a person of ordinary sensibilities in or about any public street, alley, or park, or any private residential property. (2130 12/09/03)

(2) **PUBLIC ADDRESS SYSTEMS AND AMPLIFIERS.** No person shall use or operate any public address system, amplifier, or device which increases the volume of voice, music, or other sounds tending to unreasonably disturb the public peace or the quiet and peacefulness of persons in the surrounding neighborhoods. (2130 12/09/03)

(3) **CONSTRUCTION AND MACHINERY NOISE.** (2450 09/27/2016) Between the hours of 10:00 P.M. and 6:30 A.M. no person shall do construction work or operate any chain saw, lawn mower or any other loud machinery of a similar nature. This subsection shall not apply to equipment or machinery being used for snow removal purposes, for Public Works or Utilities maintenance and service projects, or for emergency removal of debris caused by accident, weather conditions or other Act of God.

(4) **The Baraboo Country Club is granted an exception to subsection (3) and allowed to operate lawn mowing equipment for the purpose of golf course maintenance beginning at 5:30 a.m. from May 1st until September 30th of each year.** (2442 05/24/16)

9.07 **LOITERING AND PANHANDLING PROHIBITED.**

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

(2) OBSTRUCTION OF HIGHWAY BY LOITERING. No person shall obstruct any street, bridge, sidewalk, or crossing by lounging or loitering in or upon the same after being requested to move on by any peace officer.

(3) OBSTRUCTION OF TRAFFIC BY LOITERING. No person shall loaf or loiter in groups or crowds upon the public streets, alleys, treebanks, sidewalks, boulevards, street crossings or bridges or in any other public place within the City in such manner as to prevent, interfere with or obstruct the ordinary free use of such public sidewalks, streets, street crossings and bridges or other public places by persons passing along and over the same.

(4) LOITERING IN PUBLIC PLACES. No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by the owner or person in charge or any peace officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

(5) LOITERING IN OR ON SCHOOL PROPERTY. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander or stand in or on any school property within the City between 7:00 A.M. and 5:00 P.M. on official school days.

(6) LOITERING PROHIBITED NEAR SCHOOL PROPERTY. (1712 12/21/93)

[Historical Note: See original Ordinance No. 1712 for preface setting forth the underlying problem that caused §9.07(6) to be created.]

(a) Purpose. The purpose of this Ordinance is to insure unimpeded student and pedestrian traffic flow to and from the Baraboo Senior High, Baraboo Junior High and Gordon Wilson Grade School, and to maintain and protect the physical safety and well-being of students attending the Baraboo Senior High, Baraboo Junior High and Gordon Wilson Grade School, and pedestrians and to foster a safe and harassment free climate in public places for students and employees of the Baraboo School District and to reduce the likelihood of illegal drugs being sold, delivered or used in areas nearby to the above schools.

(b) Definitions.

1. "School Zone" shall mean all public places and special private places fronting on both sides of the following streets within the City:
   - Draper Street from Eighth Avenue (Ringling Boulevard) to Iroquois Circle
   - Draper Street to Madison
   - Ninth Avenue from Park to Berkley Boulevard
   - All of Berkley Boulevard
   - Winnibago Circle (1736 05/17/94)

2. "Public Place" means an area generally visible to public view and includes streets, tree banks, sidewalks, alleys, parks, vacant lots, driveways, parking lots and buildings open to the general public and the doorways or entrances in buildings or dwellings and the grounds enclosing them and any other public place.

3. "Special Private Place" means private property where the owner or occupant thereof has filed a request in writing with the Baraboo Police Department to enforce the no loitering ordinance created by this subsection on their private property.

4. "Student" shall mean a person presently enrolled to attend a school under the jurisdiction of the Baraboo School District. A student shall not include a person who is truant or who is under suspension, expulsion, exemption or other discipline excluding him or her from attending a school under the
jurisdiction of the Baraboo School District.

5. "Loiter" or "Loitering" shall mean to congregate, linger, wander, stand, delay, walk or stroll about aimlessly, or to remain idle in essentially one location in a manner and under circumstances manifesting an unnecessary or aimless purpose. The circumstances, among others, that may be considered in determining whether a person is loitering are that such person creates or causes to be created a tendency of a breach of peace, or creates or causes to be created any disturbance or annoyance to the comfort and dignity of any other person, or obstructs, hinders or interferes with the free passage of persons or vehicles, or obstructs, molests, harasses or interferes with other persons, or makes unsolicited remarks of an offensive, disgusting, or insulting nature which are calculated to annoy or disturb the person to, or in whose hearing, they are made, or that such person engages in conduct prohibited in §9.07(1) of this Code.

(c) Loitering Prohibited. No person shall loiter in or upon any public place or special private place within the school zone between the hours of 7:30 A.M. and 4:30 P.M. on school days without a lawful purpose. Whenever the presence of any person constitutes loitering in any public place or special private place, any police officer may order the person to leave that place and any such person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section. Prior to an arrest for an offense under this section the police officer shall afford the person an opportunity to explain his/her conduct by requesting said person to identify himself/herself and to explain his/her presence and conduct. No person shall be convicted of an offense under this subsection if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have provided a lawful purpose for being within the school zone.

(d) Loitering By Minors Prohibited. No person under the age of 18 who is not a student shall congregate, loiter, wander, stroll, stand or play in or upon any public place or special private place in a school zone between the hours of 7:30 A.M. and 4:30 P.M. on school days unless accompanied by his/her parent, guardian or other adult person having his/her care, custody or control.

(e) Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion(s) shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portion(s) thereof.

(f) Penalty. Any person who shall violate any provision of this section shall, upon conviction, be subject to a penalty as provided in §25.04 of this Code.

(7) Loitering and Panhandling Prohibited. As used in this section, panhandling means any solicitation made in person upon any street, public place or park in the city, in which a person requests an immediate donation of money or other gratuity from another person, and includes but is not limited to seeking donations:

(a) By vocal appeal or for music, singing, or other street performance; and,

(b) Where the person being solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation. However, panhandling shall not include the act of passively standing or sitting nor performing music, signing or other street performance with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

(c) It shall be unlawful to engage in an act of panhandling on any day after sunset, or before sunrise.

(d) It shall be unlawful to engage in an act of panhandling when either the panhandler or the person being solicited is located at any of the following locations: in a vehicle which is parked or stopped on a public street or alley; in a sidewalk café; or within twenty (20) feet in any direction from an automatic teller machine or entrance to a bank.
(e) It shall be unlawful to engage in an act of panhandling in an aggressive manner, including any of the following actions:
1) Touching the solicited person without the solicited person's consent.
2) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;
3) Blocking the path of a person being solicited, or the entrance to any building or vehicle;
4) Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;
5) Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled; or,
6) Panhandling in a group of two (2) or more persons.

(f) Each act of panhandling prohibited by this section shall constitute a public nuisance and a separate violation of this Code. Each violation shall be punishable as provided in section §25.04, Code of Ordinances.

9.08 CONSUMPTION OF FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR ON PUBLIC PROPERTY AND PARKING LOTS PROHIBITED.

1) DEFINITIONS.
(a) Public Property. Any property within the City, including buildings or structures thereon, which is owned, leased or operated by the City, Sauk County or the Baraboo School District; public sidewalks; roadways and streets; playgrounds; parks; and alleys.
(b) Public Parking Lot. Parking lots owned by the City and the Baraboo School District.
(c) Licensed Premises. The area within a building or structure which is licensed pursuant to Ch. 12 of this Code, but not including parking lots, sidewalks, roadways or land which is adjacent to the building or structure and within the property boundary lines.

2) CONDUCT PROHIBITED. No person shall consume any fermented malt beverage or intoxicating liquor or possess an open container thereof in or upon any public property or public parking lot.

3) CONDUCT PROHIBITED OUTSIDE LICENSED PREMISES. No person who has purchased fermented malt beverages or intoxicating liquor from any licensed premises shall consume or possess an open container of said beverages or liquor outside of, but within the property boundary lines of, such premises.

4) EXCEPTIONS.
(a) The prohibitions in subs. (2) and (3) above shall not apply to those events or activities that are otherwise permitted or licensed pursuant to Chs. 12 and 19 of this Code.
(b) The prohibitions in sub. (2) above shall not apply to the consumption of fermented malt beverages in City parks, except as otherwise prohibited in Ch. 19 of this Code.
(c) The prohibitions in subs. (2) and (3) above shall not apply to those persons who transport unopened fermented malt beverages or intoxicating liquor from a point of purchase to their destination unless it is in violation of §346.93 or 125.09(2), Wis. Stats.

9.09 ANIMALS REGULATED. (2092 09/10/02)

(1) NOT TO BE AT LARGE. No person having in his or her possession or under his or her control any animal or other creature shall allow the same to be at large within the City. “At large” means an animal or creature is off the premises of its owner and upon any public street or alley, sidewalk, treebank, school grounds, public park, or other public grounds or upon any private property without the permission of the owner of the property provided that a dog, cat, or other lawfully permitted animal shall not be deemed to be at large if the following provisions apply: (2092 09/10/02)

(a) The animal is attached to a leash not more than eight (8) feet in length at any time which is of sufficient strength to completely restrain and control the animal and the leash is securely held by and under the active control of a person of sufficient age and competency to govern and restrain the animal and to prevent it from annoying or worrying any other person or domestic animal or from trespassing on private property or trespassing on public property where such animals are forbidden. (2092 09/10/02)
(b) The animal is properly restrained within a motor vehicle.
(c) The animal is engaged in the act of training for show, field trial, or obedience trial purposes, in active control of its owner or his/her agent of sufficient age and competency to govern such animal at such distance, and not annoying or worrying any person or trespassing on private property or trespassing on public property where such animals are
prohibited, provided that such training is on the premises of the owner or keeper of the animal or on the premises of a property that is properly zoned and approved as a training facility. (2092 09/10/02)

(2) ANIMAL WASTE REGULATED. No person having in his/her possession or under his/her control any dog, cat, or other animal shall allow the same to defecate, urinate, or deposit any animal waste off the premises of its owner or keeper and upon any public street or alley, sidewalk or Treebank, school grounds, public park, or other public grounds, or upon any private property without the permission of the owner of the property. In the event the animal defecates on another’s land or on any public street or alley, sidewalk or Treebank, school grounds, public park or other public grounds, the owner or person in control of the animal shall immediately remove the feces or other waste in a sanitary manner. (2092 09/10/02)

9.10 PROHIBITED KEEPING OF CERTAIN REPTILES, INSECTS, CROCODILIANS, SPIDERS, WILD ANIMALS, AND OTHER CREATURES; REGULATION OF LIVESTOCK AND POULTRY (2079 07/23/02)

(1) After November 1, 2002, no person shall own, keep, maintain, harbor or have in his or her possession or under his or her control within the City any poisonous or venomous reptile, insect, snake, crocodilian, spider or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious, or dangerous propensities, including, but not limited to any of the following animals, reptiles, crocodilians, insects, spiders, or creatures:

(a) All poisonous or venomous animals and reptiles including snakes;
(b) Apes: Chimpanzees (Pan); Gibbons (Hylobates); Gorillas (Gorilla); Orangutans (Pongo); and Siamangs (Symphalangus);
(c) Baboons (Papoi, Mandrillus);
(d) Bears (Ursidae);
(e) Bison (Bison);
(f) Cheetahs (Acinonyx jubatus);
(g) Crocodilians (Crocodilia);
(h) Constrictor snakes three feet or more in length, except a ball python snake up to four feet in length shall be allowed or a boa constrictor snake up to eight feet in length shall be allowed; snakes not indigenous to Wisconsin, and any other snake exceeding three feet in length;
(i) Coyotes (Canis latrans);
(j) Deer (Cervidae); includes all members of the deer family, for example, white-tailed deer, elk, antelope, and moose;
(k) Elephants (Elephas and Loxodonta);
(l) Game cocks and other fighting birds;
(m) Hippopotami (Hippopotamidae);
(n) Hyenas (Hyenidae);
(o) Jaguars (Panthera onca);
(p) Leopards (Panthera pardus);
(q) Lions (Panthera leo);
(r) Lynxes (Lynx);
(s) Monkeys, old world (Cercopithecidae);
(t) Ostriches (Struthio);
(u) Piranha fish (Characidae) exceeding 6 inches in length;
(v) Pumas (Felix concolor); also known as cougars, mountain lions and panthers
(w) Rhinoceroses (Rhinocero tidae);
(x) Sharks (class Chondrichthyes) exceeding 6 inches in length;
(y) Tigers Panthera tigris;
(aa) Wolves (Canis lupus);
(bb) Wolf-dog hybrids;
(cc) Raccoon, skunk, fox, opossum, or any other warm-blooded animal that can normally be found in the wild state
(dd) Poisonous or venomous biting insects
(ce) Poisonous tarantula and poisonous or venomous biting spiders

(2) Any animal, reptile, insect, crocodilian, snake, spider, wild animal, or other creature owned, possessed, harbored, kept, or maintained in violation of Subs.(1) above may be impounded and destroyed by the City, or its agents, at the expense of the violator, following notice and an opportunity to be heard by the Baraboo City Administrator, or his/her designee. Any police or humane officer of the City shall have the authority to enforce the provisions of this section, including, but not limited to, seizing any animal or creature that the officer reasonably believes is being possessed, harbored, owned, kept, or maintained in violation of this subsection above. Any such animal or creature seized pursuant to this subsection (2) shall be held in the Sauk County Animal Shelter, or in such other facility deemed appropriate by the impounding officer until the animal or creature is identified as to genus and species to ascertain if the animal or creature is an endangered species identified as such in the Wisconsin Statutes. At any time after such identification, the City may destroy the animal or creature as provided herein. Any person aggrieved by the decision of the City Administrator, or his/her designee, may appeal such decision to the Common Council by filing a written notice of appeal with the City Clerk within five (5) business days of the mailing of the written decision and order by the City Administrator, or his/her designee. The animal or creature shall be impounded, but not destroyed, until the appeal time has expired and until any timely filed appeal has been heard. The City may require the appealing party to post a bond in an amount sufficient to satisfy the cost of holding and identifying the animal or creature. If it is determined that the animal or creature has been owned, possessed, harbored, kept, or maintained in violation of subs.(1) above, the costs incurred by the City for impounding, holding, and identifying the animal or creature shall be paid by the violator. Anyone found to be in violation of
this section shall, in addition to the penalties provided in §25.04 of this Code, forfeit the prohibited animal or creature to the City Humane Officer or Police Officer for destruction or disposition as deemed proper. Prior to such forfeiture, a City Humane Officer or the Sauk County Health Officer may direct a transfer of the animal or creature to a qualified zoological, educational, or scientific institution or qualified private propagator for safe keeping, with the cost thereof being assessed and paid by the violator. The City elects not to be bound by Ch. 68, Wisconsin Statutes, with respect to administrative procedure under this section.

(3) Except to the extent permitted in the City’s Agricultural Districts, no person shall keep or maintain in any zoning district any poultry, pigeons or fowl, or any animal raised for fur bearing purposes, or any livestock, including, but not limited to horses, cattle, sheep, goats, pigs or swine, whether or not such animal is domesticated, tamed or a pet. (1854 02/17/96, 2312 07/28/09)

Any person keeping or maintaining such poultry, pigeons, fowl, animal or livestock contrary to this subsection as of February 17, 1996, may continue to keep or maintain such poultry, pigeons, fowl, animal or livestock as a nonconforming use upon receipt of a permit from the Building Inspector in accordance with rules established by the Plan Commission as long as a public nuisance is not created in violation of the provisions of Ch. 10 of this Code. Such permit shall be issued for a term of two years to expire December 31, of odd numbered years. No permit or renewal thereof shall be issued until the premise has been inspected by the Building Inspector. (2440 02/23/16)

(a) Except to the extent permitted in the City’s Agricultural Districts and as provided for in this section, no person shall keep or maintain in any zoning district any poultry, pigeons or fowl, or any animal raised for fur bearing purposes, or any livestock, including, but not limited to horses, cattle, sheep, goats, pigs or swine, whether or not such animal is domesticated, tamed or a pet.

(b) Chickens may be raised in the R-1, R-1A, R-2, R-3, and MH-S Residential Zoning Districts provided the following conditions are met: (2458 08/27/17)

1. The lot upon which the chickens are raised shall have a minimum width of fifty feet, and contain only a single-family dwelling. In addition, all contiguous properties to the lot upon which the chickens are raised shall contain only a single-family or two-family dwelling. A zero lot line duplex is not qualified to have chickens.

2. The chickens are raised on the property of the owner, or if a tenant, with the written consent of the owner.

3. Roosters and crowing cockerels shall not be kept.

4. No more than six chickens may be maintained on any parcel.

5. The chickens shall be provided with a covered coop with not less than two nor more than four square feet of area per chicken. The coop shall be constructed of sturdy, predator-proof material and shall provide adequate shade from the sun and warmth in cold weather. The floor of the coop shall be covered with wood or cedar chips and be regularly cleaned and otherwise maintained. The coop may be built as part of a yard shed or garage, but cannot be placed on top of a building.

6. Chickens shall be provided with a run attached to or surrounding the coop. The run shall be made of strong, predator-proof wire fencing. To prevent chickens from flying out of the run, fencing shall be of sufficient height, be covered, or the chickens shall have their wings clipped.

7. Chickens shall not be allowed inside of a residence.

8. Chickens shall be kept in the covered coop or in the fenced run at all times.

9. The slaughtering of chickens in the Residential Zoning Districts is prohibited.

10. Chicken coops and runs shall not be located closer than ten feet to any lot line, and may not be located closer to a neighboring residence than to the residence located upon the coop’s parcel.

11. The keeping of chickens shall require a permit issued by the City. No permit shall be issued unless and until the coop and run have been inspected to ensure that they are adequate and in accordance with the requirements of this ordinance. The Administrative Committee shall review applications for chicken permits. Not less than 10 days notice of an application review shall be provided to all property owners contiguous with the parcel proposed for a chicken coop, or contiguous to those property owners. No application shall be approved if 50% or more of the property owners notified object to the granting of the permit. Such objections shall either be in writing and signed by the property owner, or be made by personal appearance at the Administration Committee meeting. All requirements of this ordinance for the keeping of chickens shall be complied with, both at the time of the initial granting of a permit, as well as at all subsequent renewals of any permit.

12. The standards and requirements of §12.13(16) & (17)(b), Ordinances, shall fully apply to the keeping of chickens.
13. Revocation of Permit. In the event that a permit holder accumulates three violations of this section within any 12-month period, or five violations within any 36-month period, the permit shall be revoked. A person whose permit is revoked shall have the right to a hearing on the revocation before the City Administrator, if such hearing is requested in writing within 10 days of service of the Notice of Revocation. A Notice of Revocation is deemed served upon the day of mailing if sent by certified mail to the applicant of the permit at the address as listed upon the application for the chicken permit.

(c) Enforcement. The provisions of this section shall be enforced by the City and Sauk County Humane Officers or City Police Officer.

(d) Penalties. Any person violating any provisions of this section shall be subject to a penalty as provided in §25.04, Ordinances.

The Fee Schedule shows the application fee for an initial permit for chickens as allowed by §9.10(3)(b), Ordinances, to be $25.00. The annual renewal fee for a previously issued chicken permit is $10.00.

(4) The prohibitions of this Section shall not apply where the creatures are in the care, custody, or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational or medical institutions; Department of Natural Resources Licensed Animal Rehabilitation Facility; licensed pet shops; City of Baraboo Zoo, or zoological parks or gardens and Circus World Museum Premises; if:

(a) Their location conforms to the provisions of the zoning ordinance of the City;

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

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

(d) All animals in licensed pet shops remain sequestered from the general public such that direct contact between the animal and persons who are not employees of the pet shop cannot occur. (2191 04/12/2005)

9.11 LITTERING PROHIBITED. No person shall deposit any mud, glass, refuse or waste, filth or other litter upon the streets, highways, alleys, parks or other property of the City or upon any private property or into or upon any body of water or stream within the City. (1526 11/22/88)

9.12 ENCUMBERING STREETS AND SIDEWALKS PROHIBITED. No person shall encumber the streets, sidewalks or alleys in the City with boxes, lumber, firewood or any other materials or substances in any manner what so ever, nor shall any person deposit any wastes, leaves or other debris on the streets, sidewalks or alleys of the City.


(1) DEFINITIONS. As used in this Ordinance, the following terms have the following meaning:

(a) “Camp” and “Camping” means to occupy a recreational vehicle as temporary living quarters, or to occupy a tent or any temporary structure overnight as a living quarters.

(b) “Municipal Parking Lot” means any publicly owned parking area.

(c) “Recreational Vehicle” means a vehicular-type portable structure, without permanent foundation, which can be towed, hauled or driven over the road and which is primarily designed as a temporary living accommodation for recreational, camping and travel use, including, but not limited to, travel trailers, truck campers, camping trailers, and self propelled motor homes.
(d) “Street” means any public right of way.

(e) “Front Yard” has the meaning as defined in §17.08(46), Ordinances.

(2) CAMPING ON STREETS, MUNICIPAL PARKING LOTS, AND FRONT YARDS PROHIBITED. No person shall camp on any street or in any municipal parking lot or permit any other person to camp upon their front yard within the City of Baraboo.

(3) PERSONS LIABLE. The following persons shall be liable for the penalty, provided that the City shall not collect more than one penalty for any single violation.

(a) Any person above the age eighteen years who is occupying the recreational vehicle or is camping at the time of violation;

(b) The driver who parked the recreational vehicle;

(c) Any person who owns or controls a front yard and gives permission to any person to camp thereon.

(4) EXCEPTION. Nothing in this ordinance shall be construed so as to prohibit playhouses or structures used primarily by children, or so as to prohibit camping by person under the age of thirteen years in a tent or other temporary structure located in a front yard for less than three consecutive nights.

(5) ENFORCEMENT. This Ordinance may be enforced by any police officer or community service officer.

9.14 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED. No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

9.15 ABANDONED OR UNATTENDED REFRIGERATORS, ETC., PROHIBITED. No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock, or other locking device which may not be released from the inside, without first removing such door or lid, snap lock or other locking device from such icebox, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

9.16 CURFEW HOURS FOR MINORS. (1795 03/28/95)

(1) DEFINITIONS. In this section:

(a) “Curfew hours” means:

1. 10:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 5:00 A.M. of the following day; and

2. 11:00 P.M. on any Friday or Saturday until 5:00 A.M. of the following day.

(b) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(c) "Establishment" means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

(d) "Guardian" means:

1. A person who, under Court order, is the guardian of the person of a minor; or

2. A public or private agency with whom a minor has been placed by a Court.

(e) "Minor" means any person under 18 years of age.

(f) "Operator" means any individual, firm, association, partnership, company or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association, partnership or company and the officers of a corporation.

(g) "Parent" means a person who is:

1. A natural parent, adoptive parent, or step-parent of another person; or

2. At least 18 years of age and authorized by a parent or
guardian to have the care and custody of a minor.

(h) Public place means any area generally visible to public view and includes, but is not limited to, streets, tree banks, sidewalks, alleys, parks, vacant lots, driveways, parking lots and buildings open to the general public and the doorways, entrances and common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops and the grounds enclosing them and any other public place.

(i) "Remain" means to:
1. Linger or stay; or
2. Fail to leave a premises or establishment when requested to do so by a law enforcement officer or the owner, operator or other person in control of the premises or establishment.

(j) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(k) "Loiter" means to congregate, linger, wander, stand, delay, walk or stroll about aimlessly, or to remain idle in essentially one location in a manner and under circumstances manifesting an unnecessary or aimless purpose.

(2) OFFENSES.
(a) No minor shall loiter, idle, remain or be present in any public place or on the premises of any establishment within the City during curfew hours.
(b) No parent or guardian of a minor shall knowingly permit, or by insufficient control allow, the minor to loiter, idle, remain or be present in any public place or on the premises of any establishment within the City curfew hours.
(c) No owner, operator, or any employee of an establishment shall knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

(3) DEFENSES.
(a) This section shall not apply where the minor was:

1. Accompanied by the minor's parent or guardian;
2. On an errand at the direction of the minor's parent or guardian without any detour or stop;
3. In a motor vehicle involved in interstate travel;
4. Engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;
5. Involved in an emergency;
6. On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence;
7. Attending an official school, religious or other recreational activity supervised by adults and sponsored by the City of Baraboo, the Baraboo School District, a church or religious entity, a civic organization, or other similar entity that takes responsibility for the minor, or going to or returning from, without any detour or stop, an official school, religious or other recreational activity supervised by an adult and sponsored by the Baraboo School District, the City of Baraboo, a church or religious entity, a civic organization, or other similar entity that takes responsibility for the minor;
8. Exercising First Amendment rights protected by the United States Constitution or
the Wisconsin Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or


This section shall not apply to the owner, operator or employee of an establishment that promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(4) ENFORCEMENT ACTION. Before taking any enforcement action under this section, a law enforcement officer shall ask the apparent offenders age and reason for being present in the public place. A law enforcement officer shall not issue a citation or make an arrest under this section unless the officer reason-ably believes that an offense has occurred and that, based upon any response and other circumstances, no defense in Subs. 3 is present. A minor believed to be violating the provisions of this section may be taken to the police department for proper identification. Every law enforcement officer, while on duty, may, in his/her discretion detain any minor violating Subs. (2) above until such time as the parent, guardian or other adult person having legal custody of the minor is notified and the person so notified shall, as soon as reasonably possible thereafter, report to the police department for the purpose of taking the minor into custody and such person shall sign a release for the minor if so requested by the officer.

(5) PENALTY. Any person who shall violate any provision of this section shall, upon conviction, be subject to a penalty as provided in §25.04 of this Code.

(6) SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion(s) shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portion(s) thereof.


(1) DEFINITIONS. As used in this section, the following terms shall have the meanings indicated:

ACCEPTABLE EXCUSE has the meaning ascribed to it in under §§118.15 and/or 118.16 (4), Wis. Stats.

TRUANT means a pupil who is absent from school without an acceptable excuse under for part or all of any day on which school is held during a school semester.

(2) PROHIBITED ACTS. It shall be a violation of this section for a pupil to be truant. Any pupil violating this section shall be subject to one or more of the penalties provided in subsection (3) below.

(3) TRUANCY PENALTIES. For a pupil under the age of eighteen (18) who is found to be truant, all dispositions listed in §§118.163(1m)(a)-(c), 938.342(1d)(a)-(c), and 938.342(1m)(a) shall be available to the court by written court order.

9.16B HABITUAL TRUANCY

(1) DEFINITIONS. As used in this section, the following terms shall have the meanings indicated:

ACCEPTABLE EXCUSE has the meaning ascribed to it in under §§118.15 and/or 118.16(4), Wis. Stats.

HABITUAL TRUANT means a pupil who is absent from school without an acceptable excuse for part or all of five (5) or more days on which school is held during a school semester.

(2) PROHIBITED ACTS. It shall be a violation of this section for a pupil to be a habitual truant. Any pupil violating this section shall be subject to one or more of the penalties provided in subsection (3) below.

(3) HABITUAL TRUANCY PENALTIES. For a pupil under the age of eighteen (18) who is found to be a habitual truant, all dispositions listed in §§118.163(2)(a)-(l), 938.342(1g)(a)-(k), and 938.342(1m)(a), Wis. Stats., shall be available to the court by written court order.


(1) No person shall perform vehicle repairs or maintenance within the public rights-of-way or public parking lots.

(2) This Ordinance shall not apply in the following circumstances:

(a) Necessary repairs, maintenance or clean-up incident to a vehicular accident.

(b) Repairs or maintenance to a stalled vehicle.

9.17A REGULATION OF TREE BANK PLANTINGS (2245 01/09/2007)

(1) Definition: The Tree Bank, for purposes of this section, is defined as that area of the
public right of way not used for streets or for sidewalks.

(2) Property owners are permitted to plant herbaceous vegetation within the tree banks adjacent to their own property within the guidelines and rules as set forth herein. The planting of woody vegetation without the express permission of the City Forester is strictly prohibited.

(a) No herbaceous vegetation in the tree bank, other than traditional lawn grasses, shall be allowed to grow taller than its distance from a paved surface, whether a road, sidewalk, or driveway. However, all plants shall be allowed to a height of six inches, regardless of distance to a paved surface.

(b) No tree bank planting in excess of six inches in height shall be allowed within three feet of a fire hydrant.

(c) No plant of the genus Hosta shall be allowed to grow in excess of twelve inches in height, excluding the height of the flowing stalk.

(d) No plant posing a tripping hazard, such as vines, shall be allowed within the tree bank.

(e) Within fifteen feet of a street corner, no herbaceous vegetation shall be allowed to grow in excess of 24 inches in height. All restrictions of Code §17.39, Vision Triangles, fully apply to herbaceous vegetation planted along streets.

(f) Within ten feet of the intersection of driveways with sidewalks and streets, no herbaceous vegetation shall be allowed to grow in excess of 24 inches in height. All restrictions of Code §17.39, Vision Triangles, fully apply to herbaceous vegetation planted along streets.

(g) Persons planting within the treebank are advised that plantings may be disturbed or destroyed as a result of sidewalk maintenance/ replacement, excavations for underground services, tree pruning/ removal, sign placement, normal pedestrian activities, activities related to parking and special events, and other reasons, without recourse to the City or the person damaging the vegetation.

9.18 WORRYING PARADE ANIMALS PROHIBITED.

(1) CERTAIN DEVICE SALES.

(a) Prohibited. During, and for the 12 hours immediately preceding, any public event in which circus or parade animals are scheduled to parade on the streets of the City, it shall be unlawful for anyone to sell or offer to sell, outdoors on public or private property, any devices which may con-fuse or alarm horses, ponies or other animals such as fireworks, explosives, smoke bombs, sparklers, caps, cap guns, horns, sirens, whistles or other noise making devices; bull whips or other whips of any description; darts or bows and arrows, whether sharp or blunt tipped; any blow gun type device; or any other device which is designated or intended to be projected, catapulted, thrown, blown or propelled; except balls used for sports.

(b) Confiscation of Devices. Any peace officer who observes any person who appears to be violating par. (a) above shall order such person to immediately terminate the sale or display of such prohibited devices for the duration of such public event. If such person fails to immediately comply with such order, such peace officer may confiscate such devices until the conclusion of such public event.

(2) POSSESSION OR USE OF CERTAIN DEVICES.

(a) Prohibited. During any public event in which parade animals enumerated in Sub. (1)(a) above are scheduled to parade on the streets of the City, it shall be unlawful for anyone to have in his possession or to use, along the route of such parade while such parade is in progress, any of the devices enumerated in Sub. (1)(a) above.

(b) Confiscation of Devices. Any peace officer observing any person who appears to be violating par. (a) above may confiscate such devices until the conclusion of such public event.

9.19 DEPOSIT OF NON-CITY GARBAGE RESTRICTED.

(1) INTENT. In recent years the cost of collecting and disposing of garbage has increased significantly in the City and also in areas surrounding the City. This cost increase has caused persons residing outside the City to
9.20 **USE OF MOTORIZED VEHICLES ON UNIVERSITY OF WISCONSIN CENTER CAMPUSS REGULATED.**

Bringing and depositing their garbage in the City thereby transferring the cost of collecting and disposing of such garbage to taxpayers of the City. These activities often take place after dark thereby making it difficult to apprehend such persons.

(2) **DEFINITIONS.** For the purposes of this section, the terms used shall be defined as follows:

(a) *Garbage.* Any refuse, rubbish, waste, trash or any other discarded material.

(b) *Deposit.* To throw down, place, bury, leave, put or dispose of.

(c) *Transport.* To carry or convey from one place to another.

(d) *Recyclable Material.* Any glass, plastic, metal, paper and cardboard materials that are reusable and that are separated from other garbage.

(3) **DEPOSITING OF NON-CITY GARBAGE PROHIBITED.** (See Ord. 1399 for Intent.)

(a) It shall be unlawful for any person to deposit any garbage accumulated outside the City in or upon any public or private place, including trash receptacles, within the City.

(b) It shall be unlawful for any persons to transport within the City any garbage accumulated outside of the City for the purpose of depositing the garbage in or upon any public or private place, including trash receptacles, within the City.

(c) It shall be unlawful for any person who resides or has a place of business within the City to allow any person to deposit any garbage accumulated outside of the City in or upon any public or private place, including trash receptacles, within the City.

(4) **EXCEPTIONS.** This section shall not apply to any person who is transporting recyclable materials to or depositing recyclable materials with a designated collection site for such materials within the City nor to any person transporting garbage to or depositing garbage with a properly licensed transfer station within the City.

(5) **PENALTY.** Any person violating any provision of this section shall, upon conviction thereof, be subject to a forfeiture of not more than $500 for each such offense.

9.21 **USE OF CIGARETTES AND TOBACCO PRODUCTS BY CHILDREN PROHIBITED.**

(1665 11/92 See §134.65 Wis. Stats. ) (2428, 02/24/2015)

(1) **IN THIS SUBSECTION:**

(a) “Cigarette” has the meaning given in §139.30(1), Wis. Stats.

(b) “Child” means a person who is less than 18 years of age.

(c) “Law Enforcement Officer” has the meaning given in §30.50(4f), Wis. Stats.

(d) “Tobacco Product” has the meaning given in §139.75(12) Wis. Stats.

(e) “Nicotine Product” has the meaning given in §134.66(1)(f), Wis. Stats.

(2) **EXCEPT AS PROVIDED IN SUBSECTION (3), NO CHILD MAY DO ANY OF THE FOLLOWING:**

(a) Buy or attempt to buy any cigarette or tobacco product.

(b) Falsely represent his or her age for the purpose of receiving any cigarette, tobacco product, or nicotine product.

(c) Possess any cigarette or tobacco product, or nicotine product.

(3) A child may purchase or possess cigarettes, tobacco products, or nicotine products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under §134.65(1) Wis. Stats.
A law enforcement officer shall seize any cigarette, tobacco product, or nicotine product involved in any violation of subsection (2) committed in his or her presence. (1665 11/92)

No person may procure for, sell, dispense, furnish or give away any cigarette or tobacco products, or nicotine product to a child. (1796 03/28/95)

9.21A SMOKING OR USE OF TOBACCO PRODUCTS PROHIBITED ON THE UNIVERSITY OF WISCONSIN BARABOO/SAUK COUNTY PROPERTY (2455 02/28/2017)

(1) DEFINITIONS. For the purposes of this section, certain words and terms are defined as follows:

(a) “Electronic smoking device” means an electronic or battery-operated device that delivers vapor for inhalation. The term includes every variation and type of such devices including electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, electronic hookahs, or any other similar product.

(b) “Smoking” means the carrying or holding of a lighted or activated pipe, cigar, cigarette, electronic smoking device, or any other lighted or activated smoking product or equipment used to burn any tobacco product, weed, plant, or any other combustible substance. Smoking includes emitting or exhaling the fumes or vapor of any pipe, cigar, cigarette, electronic smoking device, or any other lighted smoking equipment used for burning any tobacco product, weed, plant, or any other combustible substance.

(c) “Tobacco products” means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. This includes, among other products, cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, snuff, chewing tobacco, plug or any product derived from the tobacco plant.

(2) There shall be no smoking, use of an electronic smoking device, or use of tobacco products upon the property or in any building or structure of the University of Wisconsin Baraboo/Sauk County.

(3) Violations of this section shall be punishable by a fine of not less than $10.00 nor more than $50.00, plus costs.

9.21B SMOKING, VAPING AND THE USE OF TOBACCO PRODUCTS PROHIBITED IN CITY BUILDINGS (2487 03/27/2018)

1. INTENT AND PURPOSE. The Common Council of the City of Baraboo hereby finds that smoking, vaping and the use of tobacco products is hazardous to an individual’s health and may affect the health of others. This ordinance is adopted for the purpose of protecting the public health, safety, comfort, and general welfare of the people of the City of Baraboo and employees who work for the City of Baraboo.

2. DEFINITIONS:

(a) Cigarette means any roll of tobacco, herb, or other substance that may be inhaled when lit, that is wrapped in paper or any other substance.

(b) City Building means all City-owned buildings and buildings that are leased, operated, and/or maintained by the City.

(c) Electronic delivery device means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. This includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

(d) Entrance means a doorway which gives direct access to a City building.

(e) Smoking means to smoke or carry a lighted pipe, cigar, cigarette or tobacco-related products in any form. Smoking also includes the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device, whether or not said device contains tobacco or nicotine.

(f) Tobacco products means any and all kinds and forms of tobacco prepared in a manner for human use other than by smoking or vaping including, but not limited to, chewing tobacco, snus and snuff.

(g) Vaping means the use of an electronic delivery device.

3. PROHIBITION OF SMOKING, VAPING AND USING TOBACCO PRODUCTS IN CITY BUILDINGS. Smoking, vaping and the use of tobacco products in any City building, including in an entrance to a City building, is hereby prohibited.

4. PENALTY. The penalties provided by §101.123, Wis. Stat., shall be in addition to the penalties for violation of §9.28 of this Code when a person has violated both laws.

9.22 OBSTRUCTING OFFICER PROHIBITED. (1797 03/28/1995)

(1) DEFINITIONS. In this section:

(a) “Obstructs” includes, without limitation, knowingly giving false information to the officer, or knowingly placing physical evidence with intent to mislead the officer in the performance of his or her duty including the service of any summons or civil process, or fleeing or hiding from the officer, or conduct that prevents or makes more difficult the performance of the officer’s duties. (1969 04/21/99)

(b) “Officer” means a peace officer, law enforcement officer, or other public
officer or public employee having the authority by virtue of his or her office or employment to take another into custody.

(2) OBSTRUCTING PROHIBITED. No person shall knowingly obstruct an officer while such officer is doing any act in an official capacity and with lawful authority.

9.23 POSSESSION OF DRUG PARAPHERNALIA PROHIBITED. (1798 03/28/95)

(1) DEFINITIONS.

(a) The definition of "drug paraphernalia" stated in §961.571, Wis. Stats., is hereby adopted by reference.

(b) The definition of "controlled substance" as stated in Chapter 961 of the Wisconsin Statutes, is hereby adopted by reference.

(2) POSSESSION OF DRUG PARAPHERNALIA PROHIBITED. No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance.

9.24 CURRENT MEMBERSHIP AND AGE REQUIREMENTS FOR USE OF CIVIC CENTER WEIGHT LIFTING AND FITNESS ROOMS. (1894 01/28/97)

(1) No person shall use any free weights or any strength and fitness equipment located in the Civic Center Weight Lifting and Fitness Rooms 1 and 2, unless that person has paid the current membership fee for use of said free weights and equipment.

(2) No child under the age of 14 years shall be eligible for membership for use of the Civic Center Weight Lifting and Fitness Rooms 1 and 2, nor shall any child under the age of 14 enter or be present in the Civic Center Weight Lifting or Fitness Rooms 1 and 2 for any purpose.

(3) No parent, guardian or person in charge of a child under the age of 14 shall knowingly permit or allow said child to enter or be present in the Civic Center Weight Lifting and Fitness Rooms 1 and 2 for any purpose.

(4) Any person who shall violate any provision of this section shall be subject to a penalty as provided in §25.04 of this Code.

9.25 UNLAWFUL TRESPASS (2063 08/01/2001, 2262 06/26/2007)

(1) DEFINITION: For purposes of this ordinance, implied consent means conduct or words or both that imply that an owner or lawful occupant of land has given consent to another person to enter the land.

(2) TRESPASS TO PROPERTY.

(a) No person shall enter upon the property of another without the permission or implied consent of the owner or of a person lawfully upon the property.

(b) No person shall remain on any property of another after having been notified by the owner or lawful occupant not to or remain on such premises.

(c) No person shall intentionally enter the unlocked and enclosed portion or compartment of a vehicle of another without the consent of the owner or other person having lawful possession.

(2290 11/11/2008)

(3) TRESPASS TO DWELLING. No person shall intentionally enter the dwelling of another without the permission or implied consent of the owner or of a person lawfully upon the premises.

(4) TRESPASS TO BUILDING OR STRUCTURE. No person shall intentionally enter a building or structure without the permission or implied consent of the owner or person in lawful possession thereof.

(5) TRESPASS TO COMMERCIAL PROPERTY. No person shall enter or remain on a commercial or business property otherwise open to the public during business hours, at times and under such conditions when it may be reasonably ascertained that such business or commercial enterprise is not open to the public for the conduct of business, and the one who enters or remains has no reasonable basis to believe that he has express or implied consent of the owner or occupant to enter or remain on the property.

(6) CONSIDERATION OF EXISTING CIRCUMSTANCES. In determining whether a person has implied consent to enter the land of another, a trier of fact shall consider all of the circumstances existing at the time the person entered the land, including all of the following:

(a) Whether the owner or occupant acquiesced to previous entries by the person or by other persons under similar circumstances.
(b) The customary use, if any, of the land by other persons.

(c) Whether the owner or occupant represented to the public that the land may be entered for particular purposes.

(d) The general arrangement or design of any improvements or structures on the land.

(e) Whether the person has been notified personally, either orally or in writing, or if the land is posted. Lack of posting shall not in itself infer implied consent. Land is considered to be posted under this subsection under either of the following procedures:

   1. Posting a “No Trespassing” sign at the entrances or other conspicuous locations of a building, premises or property. The “No Trespassing” sign shall be at least 8 inches by 11 inches in size and shall state the following:

      NO TRESPASSING

      The City of Baraboo Municipal Code of Ordinances makes it unlawful for any person to enter or remain on any property of another or to enter or remain in any building of another after having been notified by the owner or occupant not to enter or remain on such premises. Any violator is subject to a forfeiture of not less than $60 nor more than $300, plus assessments and costs. Baraboo police officers are authorized to arrest any person violating this provision without any additional warning or notice to you.

      If you are NOT a resident or NOT here on official business with the owner or the owner’s agent or a resident, leave the premises immediately.

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

(7) CONSENT BY OWNER FOR SPECIFIC PURPOSE. An owner or occupant may give express consent to enter or remain on the land for a specified purpose or subject to specified conditions and it is a violation of this section for a person who received that consent to enter or remain on the land for another purpose or contrary to the specified conditions.

(8) LAWFUL LABOR DISPUTES EXEMPT. This section does not prohibit any person from participating in lawful conduct in labor disputes under §103.53, Wis. Stats.

9.26 ENFORCEMENT OF CITY ORDINANCES ON SAUK COUNTY OWNED PROPERTY.
(1878 08/13/96)

(1) The offenses described in the following sections of Ch. 7 and Ch. 9 of the Municipal Code of Baraboo shall apply to all the buildings, grounds and sidewalks owned by Sauk County within the City of Baraboo, and shall be enforceable against any person in the same manner and to the same extent as if such violation occurred on a public sidewalk within the City:

Chapter 7 Violations:
   (a) A violation of §7.14 regulating the operation of bicycles.
   (b) A violation of §7.17 regulating roller skates, skateboards, in-line skates, scooters and similar play vehicles.

Chapter 9 Violations:
   (a) A violation of the offenses defined in §9.01.
   (b) A violation of §9.02 regulating the possession and use of firearms and other dangerous weapons.
   (c) A violation of §9.03 regulating the throwing or shooting of arrows, stones and other missiles.
   (d) A violation of §9.04 regulating the possession and use of marijuana.
   (e) A violation of §9.05 regulating the sale and use of fireworks.
   (f) A violation of §9.06 regulating loud and unnecessary noise.
   (g) A violation of §9.07 regulating loitering.
   (h) A violation of §9.08 regulating the consumption and possession of permitted malt beverages and intoxicating liquors.
9.27 UNIFORM CITATION METHOD
ADOPTED.

(1) CREATION. Pursuant to §66.0119, Wis. Stats., the City hereby elects to use the citation method of enforcement of ordinances, including ordinances for which a statutory counterpart exists.

(2) CITATION. The citation shall contain the following:

(a) The name and address of the alleged violator.
(b) Factual allegations describing the alleged violation.
(c) The time and place of the offense.
(d) The section of the ordinance or Municipal Code violated.
(e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
(f) The time at which the alleged violator may appear in court.
(g) A statement which in essence provides the information to the alleged violator required by §66.0119, Wis. Stats. (1842 11/28/95)

1. A cash deposit of a specified amount may be made which shall be delivered or mailed to the Sauk County Clerk of Courts within the time specified.

2. If such a deposit is made, the alleged violator need not appear in court unless he/she is subsequently summoned.

3. If a cash deposit is made and the alleged violator does not appear in court, he/she will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by §165.87, Wis. Stats., not to exceed the amount of the deposit or, if the court does not accept the plea of no contest, a summons will be issued demanding him to appear in court to answer the complaint.

4. If no cash deposit is made and the defendant does not appear in Court at the time specified, the Court may issue a warrant for the defendant's arrest or consider the nonappearance of the defendant to be a plea of no contest and enter judgment accordingly and that the judgment may impose a jail sentence or suspend the defendant's driver's license if the defendant fails to pay the fine within the time period allowed by the Court. (1666 11/92)

(b) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under par. (g) above has been read. Such statement shall be sent or brought with the cash receipt.

(i) Such other information as the Council deems necessary.

(3) DEPOSITS. (1842 11/28/95)

(a) Each citation issued under this section shall specify a cash deposit as provided in sub.(4), which consists of the appropriate forfeiture, assessments and costs as provided in §25.04 of the Code.

(b) Deposits shall be made in cash, money order or check to the Sauk County Clerk of Court who shall provide a receipt therefore.

(4) DEPOSIT SCHEDULE. Every police officer issuing a citation for any violation of this Code shall indicate on the citation the amount of the deposit that the alleged violator may make in lieu of court appearance. The amount of the deposit shall be determined in accordance with the City of Baraboo Bond Schedule as provided in Ch. 25 of this Code. (1842 11/28/95)
ISSUANCE OF CITATION. City law enforcement officers may issue citations authorized under this section.

PROCEDURE. §66.0119, Wis. Stats., relating to a violator's options and procedure on default, is hereby adopted and incorporated herein by reference. (1539 06/89)

NONEXCLUSIVITY.

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

(b) Other Remedies. The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

9.28 PENALTY. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in §25.04 of this Code. In addition to any penalty imposed for violation of §9.943.01(1) of this chapter, any person who shall cause physical damage to or destroy any public or private property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any un-emancipated minor child who violates §9.943.01(1) may also be held liable for the cost of repairing or replacing such damaged or destroyed property in accordance with the provisions of §895.035, Wis. Stats.

9.29 Sexting Prohibited. (2471 10/24/17)

(a) Intent. The Common Council of the City of Baraboo has determined that sending and forwarding sexually explicit images, photographs, videos and messages between minors and that are harmful to minors, commonly referred to as “sexting”, represents a concern for the health, safety, welfare, peace and order to citizens of the City of Baraboo. The Council has further determined that prohibiting the sending and forwarding of sexually explicit images, photographs, videos and messages between minors that are harmful to minors will serve to deter such activities within the city.

(b) Definitions. Nudity means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a noticeably erect state. A mother’s breastfeeding of a baby does not under any circumstances constitute “nudity,” irrespective of whether or not the nipple is covered during or incidental to feeding.

Harmful to minors means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it is blatantly offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors and, taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

Minor means any person under the age of 18 years.

(c) A minor commits the offense of sexting if he or she knowingly:

1. Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity, as defined above, and is harmful to minors, as defined above. A minor does not violate this paragraph if all of the following apply:
   a. The minor did not solicit the image or video;
   b. The minor took reasonable steps to report the photograph or video to a school or law enforcement official; and
   c. The minor did not transmit or distribute the photograph or a video to a third party other than to a school or law enforcement official, or to the minor’s parent or legal guardian in an effort to take the reasonable steps described in b, above.

2. Possesses a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity, as defined above, and is harmful to minors, as defined above. A minor does not violate this paragraph if all of the following apply:

(b) Other Remedies. The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

9.30 Public Urination and Defecation Prohibited. (2490 04/24/2018) It is unlawful for any person to urinate or defecate outside of designated sanitary facilities, upon any sidewalk, street, alley, public parking lot, playground, cemetery or other public area within the City, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public commercial buildings, or to expose his/her genitalia in such a way as to appear to urinate or defecate in any prohibited location herein described.
CHAPTER 10
PUBLIC NUISANCES

10.01 Public Nuisances Prohibited

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City.

10.02 Public Nuisance Defined

A public nuisance is a thing, act, occupation, condition, or use of property that shall continue for such length of time as to:

1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
2. In any way render the public insecure in life or in the use of property.
3. Greatly offend the public morals or decency.
4. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

10.03 Public Nuisances Affecting Health

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definitions of §10.02 above:

1. ADULTERATED FOOD. All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
2. UNBURIED CARCASSES. Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
3. BREEDING PLACES FOR VERMIN, ETC. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
4. STAGNANT WATER. All stagnant water in which mosquitoes, flies or other insects can multiply.
5. PRIVY VAULTS AND GARBAGE CANS. Privy vaults and garbage cans which are not flytight.
6. ANIMALS. All animals running at large. (See also §9.09 of this Code.)
7. AIR POLLUTION. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the City limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
8. NOXIOUS WEEDS (2031 10/10/2000, 2245 01/09/2007) This ordinance is intended to protect the fundamental right of the residents of Baraboo to choose their own landscaping whether it be conventional bluegrass turf, natural heritage, ornamental
garden, native plant communities, or a combination thereof. The restrictions that have been placed on specific plant species are based upon the protection of public health, safety, and/or welfare. The City’s weed commissioners who enforce this ordinance have received training to thereby differentiate between people who are growing permitted natural landscapes versus those with non-permitted growth. The City of Baraboo acknowledges and encourages homeowners to include plants native to Wisconsin within their landscaping because these plants provide a hardy, drought resistant, low maintenance yard while benefiting the environment. Native plants, once established, save time and money by eliminating or significantly reducing the need for fertilizers, herbicides, water, and lawn maintenance equipment. Native plants are also beneficial because they help reduce air pollution because they do not require mowing, they attract a variety of birds, butterflies and other wildlife, and their use promotes biodiversity preservation and stewardship of our natural heritage.

For the purpose of this subsection, the term “Noxious Weeds” shall be defined as follows:

(a) All noxious weeds as defined in §66.0407, Wis. Stats. These defined weeds are Canada Thistle (Cirsium arvense), Leafy Spurge (Euphorbia esula), and Field Bindweed aka Creeping Jenny (Lysimachia nummularia).

(b) Plants that are either:

1. Invasive. An invasive plant is one that is not indigenous to Wisconsin, is ecologically aggressive, and/or tends to displace indigenous plants. Invasive plants may be forbs, shrubs, trees, grasses or vines. Without seeking to enumerate all plants of this category, examples of plants falling within this category include:
   - Purple Loosestrife (Lythrum salicaria)
   - Garlic Mustard (Alliaria petiolata)
   - Black Locust (Robinia pseudoacacia)
   - Common Teasel (Dipsacus sylvestris)
   - Cut-leaved Teasel (Dipsacus laciniatus)

2. Have toxicological impacts to humans. These plants include those that are poisonous on contact as well as plants that are poisonous when ingested. Without seeking to enumerate all plants of this category, examples of plants falling within this category include:
   - Poison Ivy (Rhus radicans, Toxicodendron radicans, or Rhus toxicodendron)
   - Poison Sumac (Toxicodendron bemix, Toxicodendron vernix or Rhus vernic)
   - Stinging Nettle (Urtica dioica)
   - Wild Parsnip (Pastinaca sativa)
   - Poison Hemlock (Conium maculatum)
   - Bitter Nightshade (Solanum dulcamara)
   - Jimson Weed (Datura stramonium)
   - Spotted Knapweed (Centaurea maculosa)

3. Harmful to human health by means of aggravating allergies or that are thorny, barbed plants. Without seeking to enumerate all plants of this
category, examples of plants falling within this category include:

- Common ragweed (*Ambrosia artemisiifolia*)
- Giant Ragweed (*Ambrosia trifida*)
- Bull thistle (*Cirsium vulgare*)
- Beggar Ticks (*Bidens frondosa*]
- Cocklebur (*Xanthium strumarium*)
- Sandburs (*Cenchrus longispinus*)

(c) RANK GROWTH. Untended or unmanaged growth of herbaceous vegetation on any property within the City which is visible from any public way, street, sidewalk or alley, or that poses a substantial fire risk, except that rank growth shall not include herbaceous vegetation located in natural areas, including riverbanks, agricultural areas, and areas not near areas of human habitation or human use.

1. Untended growth is vegetative growth that is not maintained through labor and care. Lawns composed principally of fescues, bluegrasses, rye grass, or other traditional lawn grasses are untended if over twelve inches in height. Indications of growth being tended include Buffer zones to neighboring property, substantially free of noxious and nuisance plants listed in subs. (a) and (b), above, and improvements to the yard, including bird houses, bird feeders, and fountains or bird baths.

   i. Unmanaged growth is growth that is not cared for or directed with intention and a degree of skill.

   ii. No herbaceous vegetation, other than traditional lawn grasses, shall be allowed to grow or be maintained closer to a public sidewalk than the height of the plant. An exception to the height requirement will be allowed for plants growing behind a legal fence, so long as the vegetation does not cross the vertical plane of the sidewalk. However, all herbaceous vegetation within six inches of a public sidewalk is allowed a height of six inches. No vegetation shall be allowed to grow or be maintained within the vertical plane established by the edge of a public sidewalk above a height of six inches. (See diagram below.) An exception to the enforcement of plants growing closer to the sidewalk than their height permits will be granted for 2007, so as to allow property owners an opportunity to become acquainted with this ordinance and to transplant vegetation or modify their lawns accordingly. Despite this exception, no vegetation shall be allowed to cross the vertical plane of the sidewalk.

   iii. Natural landscaping techniques are neither prohibited nor discouraged. All natural landscaping laws shall be tended, ordered and managed. Property owners intending to use natural landscaping techniques are encouraged to consult with outside sources and experts to determine the best plantings and layout for their lawn. The City has assembled materials relating to natural lawns and plantings at the Public Library. The City does not advocate the use of burning to maintain natural plantings and encourages the use of
other horticultural techniques. The use of burning to maintain a natural lawn is regulated within Chapter 5 of the Baraboo Code of Ordinances. Natural landscaping lawns will ideally maintain a mown border between the plantings and all buildings, structures, sidewalks, driveways, and contiguous properties.
10-5

(9) WATER POLLUTION. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

(10) NOXIOUS ODORS, ETC. Any use of property, substances or things within the City emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.

(11) STREET POLLUTION. Any use of property that shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the City.

(12) PESTICIDE APPLICATION. The application, or causing of the application, of any pesticide, as defined in §946.67(25), Wis. Stats., in such a manner as to endanger the health of persons within the City.

10.03A PUBLIC NUISANCES AFFECTING HEALTH, SAFETY, AND THE USE AND VALUE OF PROPERTY RESULTING FROM INADEQUATE BUILDING MAINTENANCE. (2270 11/27/07) The City has studied the concerns of citizens with regard to property that is not properly maintained by its owners or occupants. Such property poses a threat to the health of occupants, and adversely affects the property values of adjacent property, and other property in its neighborhood. The City of Baraboo, therefore, declares that improper and inappropriate building maintenance is a public nuisance affecting health, safety, and the use and value of property. Every building shall be maintained to be weather and water tight, and free from conditions suggestive of deterioration or inadequate maintenance. Proper building maintenance shall include, at a minimum, the following:

(1) Exterior surfaces shall not have any holes or broken glass; loose, cracked, or damaged shingles or siding; or other defects in the exterior finish which admit rain, cold air, dampness, rodents, insects, or vermin, and shall be without graffiti, without missing bricks or mortar, and with properly maintained soffit and fascia.

(2) Basements, cellars, and crawl spaces shall be free of standing water and hazards.

(3) All wood, including floorboards, subfloors, joists, bridging, roof rafters and sheathing, and all other wood in any interior or exterior floor, wall, roof, or other part of the structure, shall be maintained to be free of cracks affecting structural integrity. Any and all damaged or deteriorating materials shall be replaced.
(4) Roofs shall be free of leaks, with shingles in good condition (not worn or missing), and with gutters and downspouts in good repair and free of obstructions. Roof members, covering, and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rainwater from causing dampness in the interior portion of the structure.

(5) Chimneys shall be structurally safe and sound, in good repair, properly weather-coated, and without loose or missing bricks. Chimneys shall be free of cracks, holes, or missing portions and maintained in sound condition.

(6) Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition, or metal surfaces shall be protected from the elements by paint or other protective coverings. Surfaces shall be maintained so as to be kept clean and free of flaking, loose, or peeling paint or covering.

(7) All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of §10.02 of this chapter:

(1) DISORDERLY HOUSES. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

(2) GAMBLING DEVICES. All gambling devices and slot machines.

(3) UNLICENSED SALE OF LIQUOR AND BEER. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured, or rectified without a permit or license as provided for by this Code.

(4) CONTINUOUS VIOLATION OF CITY ORDINANCES. Any place or premises within the City where City ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(5) ILLEGAL DRINKING. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws or this Code.

10.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following acts, omissions, 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 coming within the definition of §10.02 of this chapter:

(1) SIGNS, BILLBOARDS, WALLS, ETC. All signs and billboards, awnings, walls and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety. No signs, billboards, awnings or similar structures shall be supported in whole or in part from the street, sidewalk or public grounds or places below.

(2) ILLEGAL BUILDINGS. All buildings erected, repaired or altered in violation of the provisions of this Code relating to materials and manner of construction of buildings and structures within the City.

(3) UNAUTHORIZED TRAFFIC SIGNS. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any device, sign or signal.

(4) OBSTRUCTION OF INTERSECTIONS. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk. (See Zoning Code, Ch. 17, for vision clearance triangle regulations.)

(5) TREE LIMBS. All limbs of trees which project over and less than 8 feet above any public sidewalk or less than 15 feet above a street or other public place.
DANGEROUS TREES. All trees that are injurious to public health or safety because of a diseased or damaged condition; and the storage of cut elm wood, unless such wood is debarked or sprayed with an effective elm bark beetle destroying insecticide.

FIREWORKS. All use, possession or display of fireworks except as provided by the laws of the State and §9.05 of this Code.

DILAPIDATED BUILDINGS, WALLS AND FOUNDATIONS. All buildings, walls, foundations, or similar structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use. (1867 05/14/96)

WIREs AND CABLES OVER STREETS. All wires and cables over streets, alleys or public grounds that are strung less than 18 feet above the surface thereof.

NOISY ANIMALS OR FOWL. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing, or making of other unreasonably loud noises shall greatly annoy or disturb the surrounding neighborhood or a person of ordinary sensibilities in the vicinity. (2130 12/09/03)

OBSTRUCTIONS OF STREETS: EXCAVATIONS. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations although made in accordance with this Code, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit.

UNLAWFUL ASSEMBLY. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

SNOW, ICE AND DEBRIS REMOVAL. All debris not removed, and all snow and ice not removed or sprinkled with salt, ashes, sawdust or sand, as provided in §8.05 of this Code.

REFRIGERATORS. All un-abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or that are not equipped with a device for opening from the inside.

OPEN PITS, BASEMENTS, ETC. All open and unguarded pits, wells, excavations and basements.

FLAMMABLE LIQUIDS VIOLATIONS. Repeated or continuous violations of this Code or the laws of the State relating to the storage of flammable liquids.

BLIGHTED BUILDINGS, FENCES, AND PREMISES. Premises existing within the City which are blighted because of one or more of the following conditions: (2031 10/10/2000)
(a) Faulty design or construction,
(b) Failure to maintain in a proper state of repair,
(c) Improper management,
(d) The accumulation thereon of junk or other unsightly debris,
(e) Fences that are structurally unsound, dilapidated, or out of repair,
(f) Other items or structures which depreciate property values and jeopardize or are detrimental to the health, safety, or welfare of the people of the City.

The Council finds that blighted premises contribute to conditions that are dangerous to the public health, safety, and general welfare of the people and that such conditions necessitate excessive and disproportionate expenditure of public funds for public health, public safety, crime prevention, fire protection, and other public services and such conditions further cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas.

OPEN BURNING. Open burning kindled or maintained in violation of §5.19 of the Code. (2119 05/27/03)

10.05A CHRONIC NUISANCE PREMISES 2484 (2/27/18)

Definitions. The following terms shall be defined as follows in this chapter:
(a) Chief. The Chief of Police or his or her designee.
(b) Enforcement Action. Arrest, the issuance of a citation, or the issuance of a written warning, or the issuance of an order to correct.
(c) Nuisance Activity. Any of the following activities, behaviors or conduct occurring upon a premises:

1. An act of Harassment, as defined in §947.013, Wis. Stats., or §9.947.013,
Ordinances.

2. Disorderly Conduct, as defined in §947.01, Wis. Stats., or §9.947.01, Ordinances.

3. Battery, Substantial Battery, or Aggravated Battery, as defined in §940.19, Wis. Stats.

4. Lewd and Lascivious Behavior, as defined in §944.20, Wis. Stats.

5. Prostitution, as defined in §944.30, Wis. Stats.

6. Possession, Manufacture, or Delivery of a Controlled Substance or related offenses, as defined in Ch. 961, Wis. Stats.

7. Obstructing or resisting an officer, as defined in 9.22, Ordinances.

8. Noise violations as defined in 9.06, Ordinances.

9. Weapons offenses, as defined in §§9.02 and 9.03, Ordinances.

10. Animal violations of any kind, as defined in §§9.09, 9.10, and 12.13, Ordinances.

11. Fireworks, as defined in 9.05, Ordinances.

12. Underage alcohol activities, as defined in §12.02(15), Ordinances, or §12.02(1), Ordinances, adopting §125.07(1)(a)(3), Wis. Stats.

13. Any conspiracy to commit, as defined in §9.015(1), Ordinances, or attempt to commit, as defined in §9.015(2), Ordinances, any of the criminal activities, behaviors, or conduct enumerated above.

14. Public nuisances offending morals and decency, as regulated by §10.04, Ordinances.

15. Public nuisances offending peace and safety, as regulated by §10.05, Ordinances.

16. Solid waste and recyclable offenses, as regulated by §11.07, Ordinances.

(d) Owner. The owner of the premises and his or her agents.

(c) Premises. An 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.

Whenever the Chief determines that four (4) or more Police Nuisance Activities resulting in enforcement action have occurred at a premises on separate days during a 12-month period, only the Chief may notify the premises owner and tenant in writing. In reaching this determination, the Chief shall not count nuisance activities resulting in enforcement actions that were reported by the owner of the premises. Only the Chief may initiate and implement the procedure and enforcement for Police Nuisance Activities under this Chapter.

(3) 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.

(4) The 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 Chief may determine appropriate under the particular facts and circumstances.

(5) Any owner receiving such notice shall personally meet with the Chief or with the Chief’s designee, within five (5) days of receipt of such notice. The Chief and owner shall review the problems occurring upon the premises and/or property. Within ten (10) days of this meeting, the owner shall submit to the Chief a detailed written abatement plan designed to forthwith and 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.

(6) Additional nuisance activity. Whenever the Chief determines that:

(a) Additional nuisance activity and/or enforcement action has/have occurred upon a premises for which the written notice has been issued under this Ordinance; and
(b) This additional nuisance activity and/or enforcement action has/have occurred more than fifteen (15) days after the written notice was served; and

(c) Reasonable effort has not been made by the owner of the premises to abate the nuisance activity; then the Chief may calculate all of the cost, fees and expenses arising from and/or pertaining to any and all such police and related City 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, but not to exceed $5,000 for any single incident. The Chief shall then 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 City as a special charge against the premises/property.

(7) Appeal.

(a) Appeal by Affected Property Owner. An affected owner of the premises may appeal the Police Chief’s 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.

(b) The appeal shall be in writing, filed with the City Clerk, stating with specificity the grounds for the appeal and the relief requested. The appeal shall be filed within ninety (90) days of the invoice from the City Clerk.

(c) 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.

(d) Chapter 68 of the Wisconsin Statutes shall not apply to such an appeal nor shall any other provision of state law or city ordinance to the contrary. The appellate procedure set forth herein shall govern and be exclusive.

(e) Upon receipt of the written appeal, the Clerk shall set the matter for a public hearing before the Administrative Review Appeals Board constituted pursuant to Chapter 6, Ordinances, not less than thirty (30) days nor more than sixty (60) days after the filing of the written appeal.

(f) The Clerk shall provide written notice to the appellant and to the Chief of Police of such Administrative Review Appeals Board meeting hearing date, time and place.

(g) 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.

(h) The hearing shall be open to the public, recorded by a sound recording device and the recording preserved for seven years by the City 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.

(i) The appellant and the Chief of Police may each present witnesses who testify upon oath after being duly sworn-in by the City Clerk, the Deputy City Clerk or any other person authorized by law to administer oaths.

(j) After the hearing, the Administrative Review Appeals Board in open session shall deliberate and then make a determination by recorded motion, second and vote with a majority of Board voting governing.

(k) The City Clerk-Treasurer shall adjust all invoices, tax and related City records in accord with the Council’s determination.

(8) Violations – Penalties – Remedies – Injunctive and other relief. In addition to the special charges authorized and described above, the following penalties, remedies and other relief are cumulative and not exclusive, may be jointly and severally sought and/or employed by the City, and may be ordered and/or imposed, as applicable, by the courts:

(a) 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
City not less than $100.00 nor more than $500.00, together with the costs of prosecution.

(b) 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 City not less than $200.00 nor more than $1,000.00, together with the costs of prosecution.

(c) Each and every day that a violation occurs, continues and/or remains present constitutes a separate offense.

(d) The City, 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, abatement, and such other legal and/or equitable 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.

(e) In addition to the above penalties, relief and remedies, the Common Council 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.

(f) 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 City or the court.

(g) This chapter is cumulative in its legal affect and is not in lieu of any and all other legal and equitable remedies under City ordinances, state statutes, state administrative codes, and common law, including, but not limited to, forfeiture of the property to the City under this chapter and/or the applicable state statutes.

(1) PUBLIC NUISANCES DECLARED. The following are hereby declared to be public nuisances wherever they may be found within the City.

(a) Any motor vehicle, truck body, tractor or trailer as enumerated in sub. (3) and (4) below and defined in sub. (2) (a), (b) and (c) below.

(b) Any junk stored contrary to sub. (5) below.

(c) Any recreational equipment stored contrary to sub. (6) below.

(d) Any firewood used or stored contrary to sub. (7) below.

(2) DEFINITIONS. The following words, phrases and terms used in this section shall be interpreted as follows:

(a) Disassembled, Inoperable, Junked or Wrecked Motor Vehicles, Truck Bodies, Tractors, Trailers. Motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

(b) Unlicensed Motor Vehicles, Truck Bodies, Tractors or Trailers. Motor vehicles, truck bodies, tractors or trailers that do not bear lawful current license plates.

(c) Motor Vehicles. As defined in §340.01(35), Wis. Stats.

(d) Junk. Worn out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, vehicles or parts thereof, tires, tools, discarded building materials, or any other unsightly debris, the accumulation of which has an adverse effect upon neighborhood or City property values, health, safety or general welfare. (2031 10/10/2000)

(c) Recreation Equipment. Boats, canoes, boat and utility trailers, mobile homes, campers, off-highway vehicles and snowmobiles.

(f) In the Open. Land which may be viewed from public streets or adjoining property.

(3) STORAGE OF INOPERABLE VEHICLES, ETC.

10.06 JUNK, CERTAIN VEHICLES, RECREATIONAL EQUIPMENT AND FIREWOOD.
(a) Restricted. No person shall accumulate, store or allow any disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors or trailers in the open upon any public or private property in the City for a period exceeding 72 hours.

(b) Exceptions.
1. Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than 3 disassembled or wrecked vehicles in the open for a period not to exceed 30 days, after which such vehicles shall be removed.
2. Junkyards licensed under §12.09 of this Code.

(4) STORAGE OF UNLICENSED VEHICLES, ETC.

(a) Restricted. No person shall accumulate, store or allow any unlicensed motor vehicle, truck body, tractor or trailer in the open upon any public or private property in the City for a period exceeding 72 hours.

(b) Exceptions.
1. Any business engaged in the sale, repair or storage of such unlicensed vehicles in a properly zoned district.
2. Garden tractors and mowers may be stored in the rear yard not less than 10 feet from any property line.

(5) STORAGE OF JUNK PROHIBITED. No person, except a junk dealer licensed under §12.09 of this Code, shall accumulate, store or allow any junk outside of any building on any public or private real estate located in the City.

(6) STORAGE OF RECREATIONAL EQUIPMENT REGULATED. No person will store any recreational equipment on any street right of way or within the front setback, including the driveway, for a period of more than 48 hours.

(7) STORAGE OF FIREWOOD.

(a) Regulated. No person shall store firewood on any residential premises except for use on the premises. No firewood pile may be located within the front setback.

(b) Exception. Any firewood pile located contrary to the provisions of par.(a) above on the effective date of this subsection need not be moved to a place of compliance until May 1, 1987.

(8) ISSUANCE OF CITATION; ACTION TO ABATE. Whenever a Police Officer, Community Service Officer, or the Building Inspector shall find any such vehicle, junk, or recreational equipment, as defined in sub. (2) above, accumulated, stored, or remaining in the open upon any property within the City contrary to the provisions of subs. (3), (4), (5), or (6) above, or firewood stored contrary to sub. (7) above, he/she shall notify the owner or occupant of said party on which such vehicle, junk, recreational equipment, or firewood is located of the violation of this section. If such vehicle, junk, recreational equipment, or firewood is not permanently removed within 10 days after notice, a Police Officer shall be authorized to issue a citation to the property owner or the occupant of the lot or parcel upon which such vehicle, junk, recreational equipment, or firewood is located.

An owner or occupant of a lot or parcel shall be entitled to only one ten-day notice to cure a violation of this Section occurring on a property within a calendar year and, in such case, a Police Officer shall be authorized to issue a citation to the owner or occupant of a lot or parcel immediately upon discovering any second or subsequent violation on said lot or parcel within a calendar year. Notice of a violation shall be deemed made upon mailing such notice by certified mail or by personal delivery, or by posting the notice on the property and mailing notice thereof to the owner or occupant by first class mail. Each day that a violation of this section continues shall be deemed a separate offense. In addition, action to abate such nuisance may be commenced as provided in §10.07 of this chapter. (2031 10/10/2000)

(9) RELOCATING NUISANCE PROHIBITED. No person, after receiving notification of a violation of this section pursuant to subs (8) above, shall move and store in the open such vehicle, junk, recreational equipment, or firewood upon any other property, lot, or parcel within the City. A Police Officer shall be authorized to issue a citation to the owner or the occupant of the property upon which such vehicle, junk, recreational equipment, or firewood has been relocated in violation of this section. (2031 10/10/2000)

(10) PENALTY. Any person who shall violate any of the provisions of this section or who shall
permit or allow a violation of this section, shall be subject to a penalty as provided in §25.04 of this Code. (2031 10/10/2000)

10.07 ABATEMENT OF PUBLIC NUISANCES.

(1) ENFORCEMENT. It shall be the duty of the Chief of Police, the Fire Chief, the City Engineer, the Building Inspector, the Street Superintendent and Utility Superintendent, the Weed Commissioner and the City Health Officer to enforce those provisions of this chapter that come within the jurisdiction of their offices and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist. (1729 04/27/94, 2033 11/14/2000)

(2) SUMMARY ABATEMENT.

(a) Notice to Owner. If the inspecting officer shall determine that a public nuisance exists within the City and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Mayor may direct the Chief of Police, Fire Chief, Building Inspector, City Engineer, Street Superintendent or Utility Superintendent to serve notice on the persons causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist. (1729 04/27/94, 2033 11/14/2000)

(b) Abatement by City. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.

(3) ABATEMENT BY COURT ACTION. If the inspecting officer shall determine that a public nuisance exists on private property, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he/she shall serve notice on the person causing or maintaining the nuisance and the owner of the property to remove the same within 10 days. Notification shall be deemed completed upon mailing notice by certified mail or by personal delivery or by posting the notice on the property and mailing notice by first class mail. If such nuisance is not removed within 10 days, he/she shall report such fact to the Mayor, who may direct the City Attorney to commence an action in Circuit Court for the abatement of the nuisance. (2031 10/10/2000)

(4) OTHER METHODS NOT EXCLUDED. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State, nor as prohibiting an action to be commenced in the Circuit Court seeking a forfeiture or by a Police Officer issuing a citation for the violation as provided in §10.11 of this chapter. (2031 10/10/2000)

(5) 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 City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance. If the charge is not paid within 30 days of the date of billing, as additional administrative collection charge of 10 percent of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1 percent per month until paid and if notice to abate the nuisance has been given to the owner of the property where the nuisance occurred, such charge shall be extended upon the current or next tax roll as a charge for current services, as provided in §66.0627, Wis. Stats. (1687 04/22/93)

10.08 DISEASED AND INFECTED TREE CONTROL.

(1) PUBLIC NUISANCES DECLARED. The following are hereby declared to be public nuisances wherever they may be found within the City.
(a) Any living or standing tree or part thereof infected with the Dutch Elm disease or other tree diseases.

(b) Any dead diseased or infected tree or part thereof, including logs, branches, stumps, firewood or other material from which the bark has not been removed and burned or sprayed with an effective fungicide or insecticide.

(c) Any living or standing female box elder, Acer negundo.

(2) NUISANCES PROHIBITED. No person shall permit any public nuisance as defined in sub. (f) above to remain on any premises owned or controlled by him within the City.

(3) INSPECTION. The City Forester may enter upon private premises at all reasonable times for the purpose of carrying out any of the provisions of this section.

(4) ABATEMENT OF DISEASE NUISANCES.

(a) Whenever the City Forester shall find, with reasonable certainty on examination or inspection, that any public nuisance as defined in this section exists within the City, he shall cause it to be sprayed, removed, burned or otherwise abated in such manner as to destroy or prevent as fully as possible the spread of the disease fungus or the insect pests or vectors known to carry such disease.

(b) Before abating any such nuisance on private premises or in any tree bank between the sidewalk and the curb, the City Forester shall proceed as follows:

1. If the Forester shall determine that danger to other trees from said nuisance is not imminent, he shall make a written report of his findings to the Commission who shall proceed as provided in §27.09(4), Wis. Stats.

2. If the Forester shall determine that danger to other trees within the City is imminent, he shall notify the owner or abutting owner of the property on which such nuisance is found in writing, if he can be found, otherwise by publication in the official City newspaper that the nuisance must be abated as directed in the notice within a specified time, which shall not be less than 10 days from the date of such notice unless the Forester shall find that immediate action is necessary to prevent spread of infection. If the owner fails to comply with the notice within the time limited, the Forester shall cause the abatement thereof.

(c) No damage shall be awarded to the owner for destruction of any tree, wood or material or any part thereof pursuant to this section.

(5) SPRAYING OF TREES.

(a) Whenever the Forester shall determine that any tree or material within or near the City is infected with a disease, he may cause to be sprayed all high value trees within a 1,000 foot radius thereof with an effective spray, provided such spraying shall be performed prior to July 15 or after October 15 of any year.

(b) Before causing the spraying of any tree on private property in accordance with this section, the Forester shall notify the owner, as provided in §(4)(b)2, above.

(6) ASSESSMENT OF COSTS OF ABATEMENT AND SPRAYING.

(a) The entire cost of abating any public nuisance as defined in sub. (2) above or of spraying any tree in accordance with sub. (4) above may be charged to and assessed against the parcel or lot abutting on the street, alley, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in accordance with §66.60(16), Wis. Stats.

(b) The Forester shall keep strict account of the costs of work done under this section and shall report monthly to the City Clerk all work done for which assessments are to be made, stating and certifying the description of the land, lots, parts of lots or parcels of land and the amounts chargeable to each. The Clerk shall include in his report to the Council the aggregate amounts chargeable to each lot or parcel so reported, and such amounts shall be levied and assessed against such parcels or lots in the same manner as other special taxes.

10.09 WEED CONTROL.
(1) NOXIOUS WEEDS AND RANK GROWTH PROHIBITED. No owner or occupant or any lot or parcel shall allow such property to become overgrown with any weeds or grass so as to constitute a public nuisance, as defined in §10.03(8) of this chapter.

(2) NOTIFICATION. The Mayor shall annually, on or before May 15, publish a Class 2 notice, under Ch. 985, Wis. Stats., that every person is required by law to destroy all noxious weeds and other rank growth of vegetation as defined in §10.03(8) of this chapter, on lands in the City which he owns, occupies or controls.

(3) ENFORCEMENT. If a property owner fails to control the growth of such weeds or rank growth of vegetation on his/her property, the Weed Commissioner shall provide the property owner with written notice as to this fact. The notice shall be mailed by first class mail, postage prepaid, to the address of the property owner as shown on the City tax rolls. If such owner fails to abate this nuisance within six (6) days after the mailing of the notice, the Weed Commissioner shall take action to abate such public nuisance. In addition to an action to abate such public nuisance, the Weed Commissioner or a Police Officer may issue a citation to a property owner who fails, neglects, or refuses to destroy noxious weeds or rank growth of vegetation from his/her property and each day that a violation continues after notification to the property owner as provided in this sub-section shall be deemed a separate offense. (1939 06/09/98)

(4) COSTS. If the City causes a nuisance to be removed as provided in Sub. (3) above, the actual cost thereof, together with an administrative fee equal to 10% of the actual cost, with a minimum charge of $50.00 shall be charged to the property owner. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total of such charges and fees, shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to §66.0517, Wis. Stats. (2361 07/26/2011)

10.10 DISCHARGE AND CLEANUP OF HAZARDOUS MATERIALS
(2032 10/10/2000; 2389 11/24/2013)
(1) DEFINITION. Hazardous material means any hazardous or toxic substance, material, or waste which is or becomes regulated by any local governmental entity, the State of Wisconsin, or United States government. The term “hazardous material” includes, without limitation, any material or substance that is:

(a) Defined as a “hazardous substance” or “hazardous waste” under any local or state statutory, administrative, or other law provisions,
(b) Petroleum,
(c) Asbestos,
(d) Designated as a “hazardous substance” pursuant to §311 of the Federal Water Pollution Control Act,
(e) Defined as “hazardous waste” pursuant to §1004 of the Federal Resource Conservation and Recovery Act,
(f) Defined as a “hazardous substance” pursuant to Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act, or
(g) Defined as a “regulated substance” pursuant to Subch. IX, Solid Waste Disposal Act (regulation of underground storage tanks).

A hazardous material further includes material which is toxic, carcinogenic, or flammable, irritants and strong sensitizers and materials which generate pressure because of decomposition or heat, any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid, or gas creating a hazard, potential hazard, or public nuisance, or any solid, liquid, or gas having a deleterious effect on the environment. Included within this definition are containers and receptacles previously used in the transportation, storage, use, or application of material defined herein as a hazardous material.

(2) PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged, leaked, or spilled any hazardous material upon any public or private street, alley, public or private property, or into the groundwater, surface waters, subsurface waters, or aquifers within the City, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials. (2077 02/26/02)

(3) CONTAINMENT, CLEANUP, AND RESTORATION. Any person in violation of Subs. (2), above, shall, upon direction of any
Police, Fire, Emergency Government, or Public Health official, begin immediate actions to contain, cleanup, and remove to an approved repository the offending material or materials and restore the site to its original condition, with the offending person, firm, or corporation being responsible for all expenses incurred. Should any person fail to engage the necessary personnel and equipment to comply or complete the requirements of this section, the Police, Fire, or Emergency Government Departments may order the required actions to be taken by public or private resources, without taking bids, and allow the recovery of any and all costs incurred by the City as action imposed by subsection (4).

(4) EMERGENCY SERVICES RESPONSE. Emergency Services Response includes, but is not limited to: Fire Service, Public Works Department, Emergency Medical Service, and Law Enforcement. A person who possesses or controls a hazardous material which is discharged or who causes the discharge of a hazardous material shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this section. Actual and necessary expenses may include but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous material in the evaluation of response, decontamination, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies’ medical advisor. The City may charge such costs to the owner of the property if the discharge was caused by a tenant, invitee, or permittee to the property.

(5) SITE ACCESS. The Owner, Lessee, or Occupant of any site, public or private, where a prohibited discharge is occurring or where there is probable cause to believe that such discharge is occurring shall provide access to personnel of the Police Department, Fire Department, Emergency Government Department, and Public Works Department of the City for the purpose of evaluating the threat to the public health and safety and to monitor the containment, cleanup, or restoration activity needed for the protection of public health or safety. In the event voluntary access is not granted by the owner, lessee, or occupant, the appropriate officer of the Police or Fire Department may obtain an administrative search warrant and, after receiving the same, may enter the premises.

(6) PUBLIC PROTECTION. Should any prohibited discharge occur that reasonable causes a threat to the life, safety, welfare, or health of the public, a Police or Fire Department officer or employee on the scene may order an evacuation of the area or take other appropriate protective steps for such period of time as needed until the Mayor, Common Council, or Emergency Government officials can act.

(7) ENFORCEMENT AND PENALTY. A Police or Fire officer shall have the authority to issue citations or complaints under this section and any person who shall violate any of the provisions of this section or who shall permit or allow a violation of this section, shall be subject to a penalty as provided in §25.04 of this Code.

(8) CIVIL LIABILITY. Any person who violates this section shall be liable to the City for any expenses incurred by the City and loss or damages sustained by the City by reason of such violation. In addition to any other penalty imposed by this Code for the containment, cleanup, evacuation, and restoration undertaken under this section, the expenses incurred by the City or loss or damage incurred by the City by reason thereof shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the violation. If the charge is not paid within thirty (30) days of the date of billing, an additional administrative collection charge of 10% of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1½% per month until paid and if notice to contain, clean up, and restore has been given to the owner of the property where the discharge or nuisance occurred, such charge shall be extended upon the current or next tax roll as a charge for current services, as provided in §66.0627, Wis. Stats. The administrative collection charge and interest shall not accrue against an owner of property for the actions of a tenant, invitee, or permittee, unless the owner has been provided with written notice of the charges. An owner shall have the right to dispute the charges before the Administrative Review Committee, but the only issues that may be determined by the Committee shall be the status of the person who caused the fire, and the reasonableness of the charges.

10.11 PENALTY. In addition to the penalties provided in this chapter, any person who shall violate any
provision of this chapter or permit or cause a public nuisance shall be subject to a penalty as provided in §25.04 of this Code. (2032 10/10/2000)

10.12 PROHIBITION ON USE OF OUTDOOR WOOD-FIRED BOILER (2219 01/24/06, 2222 03/28/06, 2230 07/11/2006)

(1) For purposes of this ordinance, the following definitions shall apply:

(a) An “outdoor wood-fired furnace” means a wood-fired furnace, stove, or boiler that is not located within a building intended for habitation by humans or domestic animals, and is regularly used to heat water, or some other substance, that is then conveyed to directly or indirectly heat a building or to heat water. This definition shall not include a furnace or stove providing direct radiant heat, used occasionally for area heating within an accessory building.

(b) “Nuisance” means to substantially annoy, injure or endanger the comfort, health, repose or safety of anyone residing or working within 200 feet of the property with the outdoor wood-fired furnace.

1. No person shall install, use or maintain an outdoor wood-fired furnace in the City of Baraboo.

2. If an existing outdoor wood-fired furnace was installed and operational prior to the effective date of this ordinance the furnace may be permitted as a non-conforming installation. In that case, the owner of the outdoor wood-fired furnace shall obtain an annual permit in accordance with subsection (4) of this ordinance. A burning permit for a non-conforming installation shall require that the existing outdoor wood-fired furnace may not cause a nuisance. If the City of Baraboo determines that a non-conforming installation is causing a nuisance pursuant to the procedures as set forth in subsection (5) of this ordinance, the permit shall be revoked.

3. Permitting of Existing Furnace. Any person with an outdoor wood-fired furnace installed and operating prior to January 10, 2006, may apply for a permit to retain the use and operating of the furnace. The permit shall be issued by the City Clerk based upon an application form provided by that office. Permits issued pursuant to this section shall not be transferable to the new owner of an existing furnace. Outdoor wood-fired furnaces shall be subject to the prohibition on the burning of certain materials as set forth in §5.19(5), Code of Ordinances.

4. Procedure to Revoke Permit. In the event that a complaint is received by the City as to the operation of any outdoor wood-fired furnace with a permit, the complaint shall be referred to the Fire Chief for investigation. The Fire Chief shall then determine whether the operation of the furnace is a nuisance, as defined by this ordinance. In the event that the Fire Chief determines that the operation of the furnace is a nuisance, notice of the revocation of the permit shall be provided to the holder of the permit by certified mail. The holder of the permit shall have the right to appeal the determination of the Fire Chief as to nuisance by filing a petition for review with the Administrative Review Appeals Board of the City as established in Chapter 6, Code of Ordinances, within 15 days of the date of delivery of the notice of revocation.

5. Any person who shall violate any of the provisions of this section or who shall permit or allow a violation of this section, shall be subject to a penalty as provided in §25.04 of this Code.
CHAPTER 11
HEALTH AND SANITATION

11.01 CITY UNDER JURISDICTION OF SAUK COUNTY FOR PUBLIC HEALTH MATTERS
The Sauk County Health Committee and/or the Sauk County Health Officer shall have the same powers and authority that a City Health Officer and/or City Board of Health would have within the City. [In this Code, references to Health Officer shall mean the Sauk County Health Officer.] (1607 06/11/91, 1608 06/11/91, 1609 06/11/91)

11.02 RESERVED
11.03 RESERVED
11.04 RESERVED

11.05 SEWER AND WATER CONNECTIONS.
(1) REQUIRED. Whenever City sewer or water mains are made available to any building used for human habitation within the City, the owner of such building shall connect all building sewer and water facilities to the City sewer or water mains within a reasonable time.

(2) BUILDING INSPECTOR CONNECTION ORDERS. If a building owner does not make sewer or water connections as provided in sub. (1) above, the Building Inspector shall serve the owner with a written order to make such connections within 10 days.

(3) CONNECTION BY CITY. In the event a building owner does not comply with the order set forth in sub. (2) above, the City shall make such connection as provided in Ch.281, Wis. Stats., and the cost thereof shall be assessed against the property as a special charge, pursuant to §66.0627, Wis. Stats.

11.06 REGULATION OF NUISANCE-TYPE BUSINESSES.

(1) PERMIT REQUIRED. No person shall conduct within the City any business that has a tendency to create a public nuisance, except upon permit issued by the Health Officer and subject to such conditions as he may impose.

(2) DEFINITION. A business that has a tendency to create a public nuisance is one that, unless properly regulated, may create conditions creating a public nuisance as defined in §10.02 of this Code.

(3) AUTHORITY. This section is enacted pursuant to §66.0415, Wis. Stats.

11.07 SOLID WASTE AND RECYCLABLE COLLECTION. (1552 12/20/89, 2129 11/25/03, 2415 06/24/14)
(1) SERVICE PROVIDED.
(a) Residential Collection. The City shall cause the collection of garbage, refuse, and recyclables within the boundaries of the City from the following buildings:
1. Single- and Two- Family Residences. Single- and two-family residences, including any single- and two-family residences that are occupied by the owner who also operates a business on the premises, such as a home occupation, and condominiums as provided in Subs. 2 below.

2. Residential Condominiums. A condominium residence located in a residential building shall be considered a residence entitled to City collection of garbage, refuse, and recyclables if the following preconditions are satisfied:
a. The eligible condominium residence shall be individually owned by a permanent occupant thereof. Temporary occupancy of a condominium dwelling unit by a tenant shall only be eligible for City garbage, refuse, and recyclable collection if approved by the Public Safety Committee.

b. The residence shall have a private entrance to the outside of the residential building.

c. The condominium residence shall be either a single-family condominium or located in a residential building consisting only of other residences that comply with subsections a and b above.

(b) Buildings Not Receiving City Collection. The City shall not collect garbage, refuse, and recyclables from the following buildings or structures:

1. All non-residential buildings, including commercial, professional, governmental, service, and industrial businesses.

2. All multi-family dwellings, apartments, and housing complexes containing three (3) or more dwelling units in a structure or building, except condominiums qualifying under (1)(a) above.

3. All dwelling units in the Central Business District except one- and two-family residential buildings and one- and two-family residential buildings occupied by the owner who also operates a business on the premises.

4. All manufactured home parks.

5. Any other building that does not qualify for residential collection as provided in Subsection (1), above.

All garbage, refuse, and recyclables generated from buildings not receiving City collection shall be collected by a private solid waste and refuse firm licensed by the State of Wisconsin Department of Natural Resources. The owner(s) or occupant(s) of any such building shall arrange for garbage, refuse, and recyclable collection with a private collection firm and shall comply with all applicable provisions of this §11.07.

(2) DEFINITIONS. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have at common law.

(a) Aluminum Container. A container used for carbonated or malt beverages or food and other non-hazardous materials that is made primarily of aluminum.

(b) Approved Container. A container for storage and/or collection of recyclables, garbage, refuse, and/or solid waste approved by the Public Safety Committee.

(c) Bi-Metal Container. A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(d) Cardboard. That portion of corrugated cardboard commonly used as packing boxes or containers that remain substantially in their original condition at the time of disposal such that the material is suitable for commercial grade recycling. "Cardboard" does not include the cardboard used in cereal boxes, cake mix boxes, etc., which is not suitable for recycling purposes or is in a state which makes separation unreasonable or unduly expensive, for reasons which include, but are not limited to, the following:

1. The cardboard has been put to another use, such as a container for other wastes, and is thus rendered unfit for commercial recycling.

2. The cardboard is mixed in with commercial or municipal litter or refuse as a result of the failure of citizen or business invitees to separate cardboard from other discarded materials outdoors or in publicly accessible areas of buildings.

3. The cardboard has been damaged or altered by any other means so
as to make recycling impossible or unduly difficult.

(e) **Container Board.** Corrugated paperboard used in the manufacture of shipping containers and related products.

(f) **Fiber Paper Product.** Cardboard container board, corrugated paper, newspapers, magazines, news-print, office paper, cardboard cereal and dry goods boxes, waste paper, and other paper and card-board products.

(g) **Foam Polystyrene Packaging.** Packaging made primarily from foam polystyrene that satisfies the following criteria:

1. Is designed for serving food or beverages.
2. Consists of loose particles intended to fill space and cushion the packaged article in shipping container.
3. Packaging material that consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(h) **Garbage.** Discarded materials resulting from the handling, processing, storage, and consumption of food. (See Ch. 289, Stats.)

(i) **HDPE.** High-density polyethylene, labeled by the SPI code #2.

(j) **LDPE.** Low density polyethylene, labeled by the SPI code #4.

(k) **Magazine.** Magazine and other material printed on similar paper.

(l) **Major Appliance.** A residential or commercial air conditioner, clothes dryer, clothes washer, dish-washer, freezer, microwave oven, oven, refrigerator, stove, furnace, boiler, dehumidifier and water heater.

(m) **Multiple-Family Dwelling.** A property containing 3 or more residential units, including those which are occupied seasonally.

(n) **Newspaper.** A newspaper and other materials printed on newsprint.

(o) **Newsprint.** That portion of newspapers or periodicals that remain substantially in their original condition at the time of disposal, such that the material is suitable for commercial grade recycling. "Newsprint" does not include the paper commonly used in the production of magazines, books, and other physical media for written material, or paper which is not suitable for recycling purposes or is in a state which makes separation unreasonable or unduly expensive, for reasons which include, but are not limited to, the following:

1. The paper has been put to another use, such as wrappings for other wastes, and is thus rendered unfit for commercial recycling.
2. The paper is no longer flat and folded to the approximate dimensions of its original condition.
3. The paper is mixed in with commercial or municipal litter or refuse as a result of the failure of citizen or business invitees to separate newspapers from other discarded materials outdoors or in publicly accessible areas of buildings.
4. The paper has been damaged or altered by any other means so as to make recycling impossible or unduly difficult.

(p) **Non-Residential Facilities and Properties.** Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

(q) **Office Paper.** High-grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printouts are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
(r) Other Resins or Multiple Resins. Plastic resins labeled by the SPI code #7.

(s) Person. Includes any individual, corporation, partnership, association, local governmental unit, as defined in §66.0131, Wis. Stats., state agency or authority or federal agency.

(t) PETE. Polyethylene terephthalate, labeled by the SPI code #1.

(u) Plastic Container. 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.

(v) Post-consumer Waste. Solid waste as defined herein, other than solid waste generated in the production of goods, hazardous waste, as defined in Ch. 291, Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Ch. 289, Wis. Stats.

(w) PP. Polypropylene, labeled by the SPI code #5.

(x) PS. Polystyrene, labeled by the SPI code #6.

(y) PVC. Polyvinyl chloride, labeled by the SPI code #3.

(z) Recyclables or Recyclable Material. Any container, paper product, or other material or product designated for recycling by the Public Safety Committee.

(aa) Refuse. Means all materials produced from industrial or community life, subject to decomposition, not defined as sewage. (See Ch. 289, Stats.)

(ab) Residential Building or Residence. A building or structure whose primary or principal design and use is for residential dwelling purposes.

(ac) Sewage. The meaning specified in Ch. 289, Wis. Stats., shall apply.

(ad) Solid Waste. The meaning specified in Ch 289, Wis. Stats., shall apply.

(ae) Solid Waste Facility. The meaning specified in Ch.289, Wis. Stats., shall apply.

(af) Solid Waste Treatment. Any method, technique or process that is designed to change the physical, chemical or biological character or composition of solid waste. Treatment includes incineration.

(ag) Steel Container. An individual, separate, rigid steel can that is originally used to contain a product that is the subject of a retail sale.

(ah) Waste Paper Product. Reusable paper other than newsprint and shall include by way of example, but not by way of limitation, magazines, papers, food cartons, bags, wrapping paper.

(ai) Waste Tire. A tire that is no longer suitable for its original purpose because of wear, damage, or defect.

(aj) Yard Waste. Such material as, by way of enumeration, but not limitation, branches, tree trunks, shrubs, grass clippings, yard and garden debris and brush, and any similar vegetative material or substance.

(3) CITY COLLECTION REGULATIONS

(a) All buildings provided with City garbage and refuse collection shall be collected once per week at the time and place set forth in the published collection schedule. Recycabless shall be collected every other week. The Street Superintendent may schedule additional collections if he/she deems such additional collections are necessary in order to prevent a health or safety hazard. No collection shall be made on legal holidays, but shall be made on the following workday or as otherwise designated by the Street Superintendent. The Street Superintendent or Public Safety Committee shall have the authority to make regulations concerning the days of collection, location of garbage, refuse, and recyclable containers, and such other matters pertaining to the collection, conveyance, and disposal of garbage, refuse, and recyclables as he/she shall find necessary, and to change and modify the
regulations provided that such regulations are not contrary to the provisions of this §11.07. All garbage, refuse, and recyclables shall be placed as designated by the Street Superintendent or Public Safety Committee by 7AM on the scheduled collection day. The Sanitation Department shall not be required to leave the public highway or alley for the purpose of making a collection unless directed to do so by the Public Safety Committee or Street Superintendent. Any person aggrieved by a regulation made by the Street Superintendent shall have the right to appeal to the Public Safety Committee who shall have the authority to confirm, modify, or revoke any such regulation. (2346 09/28/2010)

(b) The City shall only collect garbage, refuse, and recyclables placed for collection in approved containers as required by this §11.07. An approved container shall consist of either a 64-gallon or a 96-gallon cart, which must be purchased from the City of Baraboo. A limited number of 35-gallon cart are available for purchase from the City for residents with extenuating circumstances. Two carts are required for each dwelling unit, one for garbage and one for recyclables, unless arrangements are made by neighbors to share carts.

(c) Each residential dwelling unit eligible for City collection shall be entitled to place up to two carts for collection, one for garbage and one for recyclables. The Public Safety Committee shall be authorized to grant exceptions to the two cart limit. It shall be unlawful for any person and/or owner and/or occupant of a property to:

1. Place any garbage, refuse, or recyclables for City collection at any location not designated or approved by the Street Superintendent.

2. Fail to promptly clean up and remove litter and loose material that has not been collected.

3. Place any garbage, refuse, or recyclable cart for collection on any street, alley, or other public place or upon any collection site on private property before 3 PM of the day prior to the published collection day, except upon the prior express approval of the Street Superintendent.

(4) RESIDENTIAL ITEMS NOT COLLECTED BY THE CITY. Except as provided in §(7), no person shall place for City collection, any of the following: (1684 03/29/93)

(a) All substances and materials that are prohibited for deposit in a Wisconsin-licensed Landfill, including, but not limited to, hazardous waste as defined in Ch. NR 187 Adm. Code, flash waste and other wastes generated primarily from the combination of coal or fossil fuels, foundry wastes, sludge, domestic waste from private sewage disposal systems, infectious wastes, free liquid wastes, etc.

(b) Toxic wastes, chemicals, explosives, and ammunition.

(c) Drain or waste oil or flammable liquids.

(d) Paint.

(e) Tires and automobile parts.

(f) Yard waste.

(g) Demolition waste and construction debris including materials from remodeling, construction or removal of a building, roadway, or sidewalk.

(h) Tree trunks and stumps.

(i) Household appliances and household furniture.

(j) Dead animals.

(k) Undrained food waste.

(l) Industrial waste.

(m) Garbage or refuse strewn by animals or vandals prior to collection.

(n) Stone, rubble, earth and sod. (1684 03/29/93)

(5) MANDATORY RECYCLING. (1778 12/13/94)

(a) Purpose and Authority. The purpose of this Section is to promote recycling, composting, and re-source recovery through the administration of an effective recycling program, as provided in Ch. 287, Wis. Stats. and Ch. NR 544, Wis. Adm. Code. This Section is adopted as authorized under Ch. 287, Wis. Stats.

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

(c) **Interpretation.** The interpretation and application of the provisions of this Section shall be mini-mum 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 Section is inconsistent or conflicts with each other, the more restrictive requirement or interpretation shall apply. Where a provision of this Section is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the Section provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544 standards in effect on the date of the adoption of this Section, or in effect on the date of the most recent text amendment to this Section.

(d) **Applicability.** The requirements of this Section apply to all persons within the City of Baraboo, Wisconsin, including, but not limited to, owner(s) and occupant(s) of buildings not eligible for City collection.

(e) **Administration.** The business of this Section shall be administered by the Street Superintendent. (2047 02/13/2001)

(f) **Separation of Materials.** (See Ch. 287, Stats.) Occupants of single- and two-family residences, multiple-family dwellings, and non-residential facilities and properties shall separate the following materials from garbage, refuse, and post-consumer waste:

1. Lead acid batteries.
3. Waste oil.
5. Aluminum containers.
6. Bi-metal containers.
7. Corrugated paper or other container board.
8. Foam polystyrene packaging.
11. Newspaper.
12. Office paper.
13. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
14. Steel containers.
15. Waste tires.

The Public Safety Committee shall also be authorized to designate materials to be treated as a recyclable.

(g) **Separation Requirements Exempted.**

The separation requirements of Subs. (f) do not apply to the following:

1. Occupants of single- and two-family residences, multiple-family dwellings and non-residential facilities and properties that send their garbage, refuse, and post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in subsection (f) from solid waste in as pure a form as is technically feasible.

2. Solid waste that is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

3. A recyclable material specified pursuant to subsection (f) for which a variance has been granted by the Department of Natural Resources under Ch.287, Wis. Stats., or §NR 544.14, Wis. Administrative Code.

(h) **Care of Separated Recyclable Material.**

To the greatest extent practicable, the recyclable materials separated in accordance with subsection (f) 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 that protects them from wind, rain, and other inclement weather conditions.
Management of Lead Acid Batteries, Major Appliances, Waste Oil, Yard Waste, and Waste Tires. Occupants of single- and two- family residences, multi-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

1. Lead acid batteries shall be delivered by the owner to any of the vendors in the City who will accept lead acid batteries for recycling. Vendors may impose a charge for this service.

2. Waste oil shall be delivered by the owner to the waste oil facility at the Sauk County Landfill or other approved reception site.

3. Yard wastes shall not be collected by the City and shall be retained by the owner thereof except as may be authorized by §11.07(7 of this Code. (1785 01/24/95)

4. Waste tires, less than 1,100 by 24.5 shall be delivered by the owner to the Sauk County Landfill or to any vendors who will accept the same. Vendors may impose a charge for this service.

Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Street Superintendent or the Public Safety Committee, owners or occupants of each building provided with City collection of garbage, refuse, and recyclables shall do the following for the preparation, collection, and separation of the recyclable materials specified in Subs. (f): (2047 02/13/2001)

1. All containers designated as recyclable material shall be placed in an approved Recyclable Cart

2. The following fiber paper products designated as recyclable material shall be free of debris and placed in an approved Recyclable Cart:
   a. Corrugated paper, cardboard, or other container board.
   b. Magazines.
   c. Newspaper.
   d. Office paper or shredded office paper.
   e. Cereal, dry food containers, soda cartons.

3. To the greatest extent practicable, recyclable materials shall be cleaned 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 that protects them from wind, rain, and other inclement weather conditions.

Collection Schedules. Persons who are served by the City's garbage and refuse waste collection service shall also place recyclables for pickup by the City on the same day as the scheduled day for garbage, refuse, and post-consumer waste (solid waste) collection. The recyclable materials shall be placed at a site separate from the solid waste collection site, as approved by the Street Superintendent. All recyclable materials shall be clearly visible with no impediments, i.e. telephone poles, mailboxes, street signs, etc. It shall be unlawful for any person or owner or occupant of a property to:

1. Place for collection any recyclable materials at any location not designated or approved by the Street Superintendent;

2. Place any recyclables for collection in any street, alley, or other public place, or upon any collection site on private property before 3 p.m. on the day prior to the published collection day, except upon the prior expressed approval of the Street Superintendent.

3. Fail to promptly clean up and remove litter and loose material that has not been collected. (1964 01/12/99, 2047 02/13/2001)

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

1. Owners or designated agents of multiple family dwellings and non-residential facilities and properties shall do all of the following:
   a. Provide adequate, separate containers for recyclable materials.
   b. Notify tenants in writing at the time of renting or leasing the dwelling or non-residential facility and property and at least semi-annually thereafter about the established recycling program.
   c. Provide for each tenant a specific placement location for collection of garbage and refuse and a separate and specific placement location for collection of recyclable materials.
   d. Notify tenants in writing at time of renting or leasing of reasons to reduce and recycle solid waste, which materials are recyclable materials, how to prepare recyclable materials in order to meet the processing requirements, collection methods and sites for placement for collection of recyclable materials separate from garbage and refuse, locations and hours of collection, and a contact person or company, including a name, address and telephone number.
   e. The owner of rental property shall be responsible for violations of this Section occurring on rental property.

2. The requirements specified in (m)(1) above, do not apply to the owners or designated agents of multiple-family dwellings, or non-residential facilities and properties if the post-consumer waste generated within the dwelling or non-residential facility and property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in subsection (f) from solid waste in as pure a form as is technically feasible.

(m) Prohibitions on Disposal of Recyclable Materials Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in subsection (f) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(n) Enforcement. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the City of Baraboo may inspect recyclable materials separated for recycling, garbage, refuse, and post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas for multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the City of Baraboo who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(o) Unlawful to Remove Recyclables. It shall be unlawful for any person to collect or remove recyclables that have been placed by any person at a designated collection site for collection. This Subsection shall not apply to a City employee acting within the scope of his/her employment, or to a person under contract with the City of Baraboo. (1806 04/11/95)

(6) COLLECTION REGULATIONS FOR BUILDINGS NOT PROVIDED WITH CITY COLLECTION SERVICES.

(a) The owner(s) and/or occupant(s) of any building that does not receive City
collection of solid waste, garbage, refuse, and recyclables shall:

1. Arrange for such collection by a private garbage and refuse collection firm licensed by the State of Wisconsin Department of Natural Resources.

2. Arrange for private collection of garbage, refuse, and recyclables in accordance with the provisions of this §11.07. Such collection shall be at sufficient intervals to protect the environment as set forth in this §11.07 and shall specifically arrange for collection services to be made at a minimum of bi-weekly provisions to maintain bi-weekly collection when a holiday falls on a normal collection day.

3. Provide a sufficient number of approved containers for the storage of garbage and refuse gene-rated by each building and to further see to it that all solid waste, garbage, and refuse is placed in such containers.

4. Maintain all storage areas for garbage, refuse, and recyclables to be kept in a nuisance-free and odor-free condition and litter shall not be allowed to accumulate.

5. Be responsible for cleaning up litter.

6. Be responsible for assuring that all solid waste, garbage, refuse, and recyclables that are kept stored or kept outside of a building shall be placed in a covered garbage can or dumpster, inaccessible to rats, mice, vermin, or scavenging animals or birds.

7. Except where a dumpster is required, the owner of any rental residential property shall be responsible for providing a sufficient number of covered refuse containers for all tenants. Containers shall consist of metal or plastic that are fly-tight, watertight, and rodent proof, with tight-fitting lids and suitable handles, commonly referred to as garbage cans. Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by the private refuse hauler. Plastic garbage cans shall consist of plastic material not damaged by freezing and not susceptible to melting.

8. Provide bulk storage containers, commonly referred to as dumpsters, for any building or premises, including buildings used for residential purposes producing solid waste, garbage, and refuse in excess of three (3) 30-gallon plastic garbage bags per week. Bulk storage containers shall be covered containers, fly-tight, rodent proof, and watertight, but may have cleanout drain plugs, constructed of heavy gauge metal or other durable material impervious to animals, capable of being emptied without hazard, and equipped with doors or covers that are tight fitting.

9. Assure that all containers used for the storage of garbage, refuse, and recyclables are well maintained and that sharp or protruding surfaces, dents, tears, and other defects which may be hazardous to the general public are immediately repaired.

10. Assure that the private collection firm properly delivers all recyclable materials to a recycling processing facility or end user of recyclables and keeps all records, as needed, to document and otherwise comply with state and local regulations.

11. Be responsible to keep records of the disposal of all solid waste, garbage, and refuse required by state law, including the identification of the private collection firm, the amount of solid waste, garbage, and refuse collection, the amount or percentage of recyclables collected, and the disposal site.

REGULATION OF YARD WASTE.
(1688 04/22/93)

(a) Yard Waste. No person shall place yard waste into containers used for or containing solid waste. Yard waste shall be disposed of in a lawful manner that will not result in such waste being deposited in a Wisconsin-licensed Landfill. The City may provide for pick up and disposal of yard waste up to two times per year. The Public Safety Committee, after consultation with the Street
Superintendent, shall be authorized to establish and publish the date(s), collection places, items to be picked up, acceptable containers, charges and other procedures and requirements for the pick-up. If the collection charge is not paid within 30 days, such charge, together with an additional administrative fee of 10 percent of the charge and interest at 1 percent per month shall be extended upon the current or next tax roll as a charge for current services as provided in §66.0627, Wis. Stats (2007 02/13/2001).

(b) Placement of Collection Items Regulated

1. Except where permitted by emergency order issued by the Mayor or City Council, no person shall place yard waste for yard waste collection by the City or items for special cleanup collection by the City in or upon any street, sidewalk, alley, public right-of-way, park, or other property of the City:
   a. At any time immediately preceding the designated collection day; or
   b. Any time after the scheduled collection day.

2. In addition to the penalty provided by §11.07(10), if the City collects any yard waste or items placed for collection contrary to this Subsection, the actual cost of removal and disposal, together with an administrative fee equal to 10% of said cost, shall be charged to the property owner. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total of such charges and fees shall be extended on the next succeeding tax roll as a tax charge against the property affected and collected in the same manner as are other taxes, pursuant to §66.0627, Wis. Stats.

(a) No person shall place any solid waste, garbage, refuse, or recyclables for collection on any street, alley, or other public place before 3 PM of the day prior to the regularly scheduled collection day for collection by a private refuse collection hauler.

(b) No person shall throw, place, or deposit any solid waste, garbage, refuse, rubbish, or recyclables in any street, alley, public place, tree bank or private property within the City limits except in an approved garbage or recyclable cart as provided in this §11.07.

(c) No person shall throw, place, or deposit any solid waste, garbage, or refuse in any garbage container or dumpster not owned by such person and without the permission or authorization of the owner of such container.

(9) ENFORCEMENT.

(a) The Public Safety Committee shall be authorized to make regulations, standards, and schedules as necessary to make effective all provisions of this Section. Periodically, the Street Superintendent shall prepare notices and distribute other information to persons and entities generating solid waste, garbage, refuse, and recyclables within the City for the purpose of informing the public about the requirements dictated by City ordinances.

(b) In order to insure compliance with the laws of this state and rules and regulations required in this Section, the Street Superintendent is authorized to inspect at reasonable times all phases of solid waste, garbage, refuse, and recyclable management within the City. No person may refuse access to the Street Superintendent or any authorized officer, employee, or representative of the City who requests access for the purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(c) In all instances where such inspections reveal violations of this Section and the regulations in this Section, or the laws of this state, the Street Superintendent shall issue written notice of each such violation,
stating therein the violation found, the date and time of such violation, and the corrective measures to be taken, together with the time in which such correction shall be made. Time limits set for the correction of violations shall be reasonable and consistent. The Street Superintendent shall consider time needed for repairs or purchases to correct deficiencies, public health, and consistent time limits for like violations. Time limits shall not be greater than ten working days nor less than 24 hours. All such notices shall be kept in a clearly marked file and shall be available for public inspection during regular business hours.

(d) The Street Superintendent and any employee of the Public Works Department shall promptly report all violations of this section to a police officer and a police officer shall be authorized to issue a citation to the violator. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this subsection shall prevent the City from maintaining any appropriate action to prevent or remove a violation of any provision of this section. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceedings under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection. Whenever the Court finds a defendant guilty of a violation of this section, the Court shall be authorized to grant judgment as provided in §25.04 of this Code. (2047 02/13/2001)

(e) If any person, including those not provided with garbage, refuse, and recyclable collection by the City and those receiving garbage, refuse, and recyclable collection from a private contracted firm is found in violation of the collection and storage requirements of this Section and fails to comply with a notification and/or citation, the Street Superintendent shall further be authorized and empowered to order a special collection to remove such violation. In addition to the penalty provided by §11.07(8)(a), if the City makes a special collection as a result of a violation of §11.07, the actual cost of removal and disposal, together with an administrative fee equal to 10% of said cost shall be charged to the property owner. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total cost of such charges and fees shall be extended on the next succeeding tax roll as a special charge against the property affected and collected in the manner as are other taxes, pursuant to §66.0627, Wis. Stats. No person shall use the special collection provisions of this Subsection to circumvent requirements for collection by a private firm.

(f) Any person who shall violate any of the provisions of this section shall, upon conviction thereof, forfeit not less than $10 nor more than $50, for the first offense and not less than $25 nor more than $100 for the second offense within one year, and not less than $50 nor more than $500 for the third and each subsequent offense within one year. In addition to a forfeiture there shall also be imposed the Court costs and assessments as provided by §25.04(1) of this Code. The one-year period shall be measured from the date of the first violation of this section. In addition to the foregoing penalties, it shall be cause for the City to refuse to pick up any solid waste containing recyclables in violation of this section. (1688 04/22/93)

11.08 ILLEGAL DUMPING PROHIBITED. It shall be illegal for any person to dump, dispose, deposit, litter or store refuse in the City outside of a licensed sanitary landfill facility on either private or public lands.

11.09 FLUORIDATION OF CITY WATER. Until further direction by the Council, the Public Safety Committee is hereby authorized and directed to introduce at least one part of fluorine to every million parts of water being distributed in the water supply system of the City and said Commission shall have the authority, from time to time, upon approval by the Department of Natural Resources and Common Council, to change the proportions thereof. The cost of fluoridation shall be paid from funds of the City Water Utility. (2033 11/14/2000, 2047 02/13/2001)

11.10 AMBULANCE SERVICE. Ambulance service shall be provided to City residents by the Baraboo Ambulance District in accordance with
an agreement entered into by the City, the Villages of North Freedom, West Baraboo and Merrimac and the Towns of Baraboo, Fairfield, Greenfield, portion of Excelsior and portion of Sumpter. (See Chapter 28, Code); (1682 02/01/93)

11.11 **PENALTY.** Any person who shall violate any provision of this chapter, unless a separate penalty has been adopted, shall be subject to a penalty as provided in §25.04 of this Code.
CHAPTER 12

LICENSES AND PERMITS

12.01 General Provisions
12.02 Intoxicating Liquor and Fermented Malt Beverages
12.03 Regulation and Licensing of Pawnbrokers, Secondhand Article and Jewelry Dealers
12.04 Tobacco Retailer License
12.05 Special Event License
12.05A Late Night Mobile Food Vending Permit
12.06 Automobile Racing License
12.07 Regulation and Licensing of Direct Sellers, Transient Merchants, and Solicitors
12.08 Hunting Regulations and Permit
12.08A Dog Park
12.09 Recycling and Base Metal Dealers License
12.10 Garage, Yard and Rummage Sales Regulated
12.11 Taxicabs
12.12 Manufactured Homes (Type 1) and Manufactured Homes (Type 1) Parks
12.13 Regulation and Licensing of Animals
12.14 Regulation of Alarm Systems
12.15 Regulation of Sexually Oriented Businesses
12.16 Weights and Measures Regulation
12.17 Special Regulations for July 01 through July 04, 2004 Circus Days Celebration
12.18 Penalty

12.01 GENERAL PROVISIONS.

(1) LICENSES OR PERMITS REQUIRED. No person shall engage in any trade, profession, business or privilege in the City for which a license or permit is required by any provision of this chapter without first obtaining such license or permit from the City in the manner provided in this chapter, unless otherwise specifically provided.

(2) APPLICATION. Unless otherwise provided, application for a license or permit shall be made in writing to the City Clerk upon forms provided by the City Clerk and the applicant shall state the location of the proposed activity and such other facts as may be required for or to be applicable to the granting of such license or permit.

(3) PAYMENT OF FEE. Except for alcohol beverage licenses and cigarette licenses, the fees required for any license or permit shall be paid at the office of the City Treasurer upon application for the license or permit. No fee paid shall be refunded unless the license or permit is denied. No alcohol beverage license or cigarette license shall be issued until the fee is paid.

(4) BOND AND INSURANCE. All required bonds shall be executed by 2 sureties or a surety company and be subject to the approval of the City Attorney. Where policies of insurance are required, such policies shall be approved as to substance and form by the City attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the Clerk before the license or permit is issued.

(5) FORM. Licenses and permits shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the City by the City Clerk and be impressed with the City seal. The Clerk shall keep a record of all licenses and permits issued.

(6) LICENSE AND PERMIT TERM. Except for alcohol beverage, cigarette and soda water licenses which terminate on June 30 of each year, unless otherwise provided, the term of the license year shall end on December 30 of each year.

(7) EXHIBITION OF LICENSES OR PERMITS. Every licensee or permittee shall carry his license or permit upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit shall be exhibited at all times in some conspicuous place...
in his place of business. The licensee or permittee shall exhibit the license or permit when applying for a renewal and upon demand of any police officer or person representing the issuing authority.

(8) TRANSFER. Unless otherwise provided, no license or permit shall be transferable or assignable.

(9) RENEWAL. Unless otherwise provided, license or permit renewals shall be issued in the same manner and be subject to the same conditions as the original license or permit.

(10) SUSPENSION AND REVOCATION OF LICENSES AND PERMITS. Except as otherwise specifically provided, any license or permit granted under this chapter may be suspended or revoked by the Council for cause after giving the licensee or permittee an opportunity to be heard, as provided by law. Cause may include the following:

(a) Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.

(b) Conviction of any crime or misdemeanor, subject to §111.32, Wis. Stats.

(c) Conducting such activity in such manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the City upon recommendation of the appropriate City official.

(d) Expiration or cancellation of any required bond or insurance.

(e) Actions unauthorized or beyond the scope of the license or permit granted.

(f) Violation of any regulation or provision of this Code applicable to the activity for which the license or permit has been granted, or any regulation or law of the State so applicable.

(g) Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

(11) LICENSE CONDITIONS - NON-PAYMENT OF CITY TAXES AND CLAIMS.

(a) No license shall be granted or renewed for the operation of any trade, profession, business or privilege, for which a license or permit is required by any provision of this Chapter, for operation upon any premises upon which taxes or assessments or other financial claims of the City, or of any City utility are delinquent and unpaid.

(b) No person who is delinquent in the payment of any taxes, assessments or other claims owed to the City, including a forfeiture resulting from a violation of any Ordinance of the City, shall be granted or renewed any license for any trade, profession, business or privilege in the City for which a license or permit is required by any provision of this Chapter.

12.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.

(1) STATE STATUTES ADOPTED. Except as otherwise specifically provided in this Chapter, the provisions of Ch. 125, Wis. Stats., defining and describing the sale, possession, procurement, dispensing, transfer and otherwise regulating intoxicating liquors and fermented malt beverages, exclusive of any regulations for which the statutory penalty is a term of imprisonment, are adopted and by reference made a part of this Chapter as if fully set forth herein. A violation of any such provision shall constitute a violation of this section. Any future amendments, revisions or modifications of the statutory regulations in Ch. 125, Wis. Stats., are intended to be made a part of this Chapter in order to secure to the extent legally practical uniform statewide regulation of alcohol beverages in the State of Wisconsin.

(2) DEFINITIONS. As used in this section, the following definitions apply:

(a) Legal Drinking Age. Twenty-one years of age but includes persons who have attained the age of nineteen on or before August 31, 1986.

(b) Underage Person. A person who has not attained the legal drinking age.

(3) LICENSE APPLICATION. Application for a license to sell or deal in alcohol beverages shall be submitted to the City Clerk in writing on forms furnished by the City Clerk. Applications shall contain such reasonable and pertinent information as the Council may from time to time require. Each application shall be signed and sworn to by the applicant, if an individual, or by all partners, if a partnership, or by a duly authorized agent or officer of a corporation, limited liability company, club or other entity eligible for an alcohol beverage license. All matters submitted by an applicant shall be true. Any person and/or applicant who submits an untrue statement in connection with any license application under this section shall be subject to a penalty as provided in §25.04 of this Code. It shall be grounds for denial of a license if the applicant...
makes an untrue statement on any license application. Applications shall be filed with the City Clerk not less than 15 days prior to the granting of the license except that applications for licenses to be issued under §125.26(6), Wis. Stats., shall be filed with the City Clerk not less than 5 days prior to the granting of the license. All applications shall be accompanied by the appropriate fee and the cost of publication. Further, as a condition of granting a license, the applicant shall consent to a personal photograph and sign a waiver permitting the City to secure from the Federal Bureau of Investigation and the Wisconsin Crime Information Bureau a record check of the applicant and its officers, partners and agents. (1773 11/08/94)

(4) APPLICATION INVESTIGATION AND REVIEW. The City Clerk shall notify the City Administrator, the Chief of Police, the Building Inspector, and the Fire Inspector regarding all license applications, except operator’s license applications which shall only be submitted to the City Administrator and Chief of Police. These officials shall cause an investigation to be made to determine whether the applicant and/or the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the City Administrator the information derived from such investigation. The City Administrator shall review and consider said reports and shall apply the licensing standards set forth in this section and in Ch. 125 Wis. Stats. and if the City Administrator finds that there is no reasonable basis for denying the license applied for, he/she shall be authorized to grant the issuance of the license. If the City Administrator determines that there is any reasonable basis for denying a license, or that the license application should be reviewed and considered by the Council, he/she shall file his/her report and recommendations with the Administrative Committee. The Administrative Committee shall review and consider all reports filed with the Committee and shall file its report and recommendations with the Common Council, including any additional conditions or requirements that the Committee finds are necessary to fulfill the purpose and intent of this section. After reviewing the application and the reports referred to it by the Administrative Committee, the Council shall grant or deny the issuance of the license. Any person objecting to the granting of any license under this section shall file his/her objections and the basis therefore in writing with the City Clerk within 3 working days after the date of the last publication date of the legal notice published in the City newspaper pursuant to §125.04 Wis. Stats., or if the publication of a legal notice is not required, then any objections shall be filed within 3 working days of the filing of the application with the City Clerk. It shall be the duty of the City Clerk whenever an alcohol beverage license shall have been granted by the City Administrator or the Common Council, and the applicant shall have produced and filed with the City Clerk, proof of the satisfaction of any conditions or requirements imposed as a condition of granting the license and a receipt showing payment of any sums required for such license to issue to such applicant a license in accordance with the provisions of this section and of the laws of the State of Wisconsin. (1773 11/08/94, 2116 04/15/03)

(5) LICENSE FEES. The fees for issuance of fermented malt beverage and intoxicating liquor licenses shall be as set forth in the City’s Official Fee Schedule.

(a) Class "A" Fermented Malt Beverages.
(b) Class "B" Fermented Malt Beverages. A 6-month license may not be renewed in the same calendar year.
(c) Class "B" Fermented Malt Beverage Picnic License Issued Pursuant to §125.26(6), Wis. Stats.
(d) Wholesalers Fermented Malt Beverages.
(e) "Class A" Intoxicating Liquor.
(f) "Class B" Intoxicating Liquor. The license fee to bona fide clubs and lodges situated and incorporated or chartered in the State of Wisconsin for at least 6 years shall be, as provided by the Official Fee Schedule, as required by Ch. 125, Wis. Stats. The fee for licenses issued for less than one year shall be prorated.
(g) Pharmacist's License.
(h) Operator's License.

(i) Provisional Operator's License. – A provisional operator's license may be issued by the City Administrator or his/her designee pursuant to §125.17(5), Wis. Stats. This license shall only be issued in order to enable the applicant to complete a Responsible Beverage Server Training Course and only if the applicant is enrolled in a certified training course at the time the provisional license is issued. Only one provisional operator's license shall be issued per each application. A provisional operator's license shall be valid for a period not exceeding sixty (60) days or until a regular license is issued, whichever occurs first. The City Administrator, or his/her designee, shall be authorized to issue a provisional operator's license to a person who files a certified copy of a valid operator's license issued by another municipality.

In all other cases, before a new provisional license is issued, the City Administrator, or his/her designee, after consultation with the Police Chief, shall be satisfied that, except for the need to complete a Responsible Beverage Server Training Course, the applicant has met or will be able to meet the minimum licensing qualifications and requirements for the Administrator to grant a
regular operator's license or a conditional operator's license pursuant to the current Standards Regarding Issuance of Bartender Licenses established by the Common Council. A provisional operator's license shall further be subject to the restrictions set forth in Wis. Stats. §125.17(5). (1713 12/21/93, 1848 01/23/96, 2095 09/24/02, 2159 07/27/04)

(j) Temporary Operator's License. Not to exceed 14 days in one year.

(k) Transfer of License to Another Premises.

(l) Temporary "Class B" Wine License Issued Pursuant to §125.51(5m), Wis. Stats.

(m) Issuance of Duplicate Original License. (1628 11/12/91)

(n) "Class C" Wine License.

(o) 'Provisional Retail License. A one-time only provisional retail license may be issued by the City Administrator or his/her designee pursuant to §125.185, Wis. Stats. A provisional retail license shall be valid for a period not exceeding 60 days or until a regular license is issued, whichever occurs first. Before this license is issued, the Administrator shall be satisfied that the following standards will be met:
1. The applicant has met or will be able to meet the minimum licensing qualifications and requirements.
2. The licensed premises has undergone all required inspections and meets all applicable codes.
3. No objection to the issuance of the license has been filed with the Administrator by any City officials or officers, or by a third party.
4. The applicant and the premises will be able to satisfy all prerequisites for the issuance of a regular license within the period of the 60 day provisional license. (1849 01/23/96)

(6) OPERATOR'S LICENSE. All applications for an operator's license shall be filed in the office of the City Clerk. Each application shall be accompanied by the required license fee. Applications for operator's license shall be reviewed and considered in accordance with Subs. (4) above. A regular operator's license shall be valid for a period of two years and shall expire on June 30. A conditional operator's license issued pursuant to the Current Standards Regarding Issuance of Bartender's Licenses established by the Common Council shall be valid for a period of one year and shall expire on June 30. All applications shall be filed on or before June 15, provided that nothing shall prevent the City Administrator or the Council from granting any licenses that are applied for at any other time for a fraction of the license period if the required license fee is paid. (1773 11/08/94, 2096 09/24/02)

(7) LICENSES REQUIRED. No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this section nor without complying with all provisions of this section, and all statutes, ordinances and regulations applicable thereto. A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor and fermented malt beverages are kept, sold or offered for sale; no license shall be issued to any person for the purpose of possessing, selling or offering for sale any liquor or fermented malt beverage in any dwelling, house, flat or residential apartment.

(8) QUALIFICATIONS FOR LICENSES AND PERMITS.

(a) Natural Persons. Licenses related to alcohol beverages, issued to natural persons under this section, may be issued only to persons who:

1. Do not have an arrest or conviction record, subject to §§111.321, 111.322 and 111.335, Wis. Stats.

2. Have been residents of this State continuously for at least ninety (90) days prior to the date of the application. (2159 07/27/04)

3. Have attained the legal drinking age except an operator's license may be issued to applicants who have attained the age of 18. (1477 11/10/87, 1487 12/08/87)

4. Are free from all infectious or contagious diseases and the City may require the applicant to produce a written certification to said effect by a duly licensed medical physician. (1469 05/12/87)

5. Have submitted proof that the person to whom such license is to be issued is the holder of a seller's permit under Ch. 77 of the Wisconsin Statutes or the City has been informed by an employee of the Wisconsin Department of Revenue that the Department will issue a seller's permit to the applicant. (1741 05/31/94)

6. Have successfully completed within the two years prior to the date of
application a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the Board of Vocational, Technical and Adult Education or a comparable training course that is approved by the Wisconsin Department of Revenue or the Educational Approval Board, unless the applicant held within the past two years, a Class "A", or "Class A" or "Class C" license, or a Class "B" or "Class B" license or permit or a manager's or operator's license. (1741 05/31/94)

(b) Criminal Offenders. No license or permit related to alcohol beverages may, subject to §§111.321, 111.322 and 111.335, Wis. Stats., be issued under this section to any natural person who has been convicted of a felony unless the person has been duly pardoned.

c) Corporations and Limited Liability Companies. No license or permit may be issued to any corporation or limited liability company unless the corporation or limited liability company meets the qualifications under pars. (a) 1 and 5 and (b) above and unless the agent of the corporation or limited liability company and the officers and directors of the corporation or the members or managers of the limited liability company meet the requirements under pars. (a) 1 and 3 and (b) above, and unless the agent of the corporation or limited liability company meets the qualifications under pars. (a) 2, 4 and 6. (1741 05/31/94, 1863 04/16/96)

d) Operators' Licenses. Paragraph (a)2 above does not apply to applicants for operators' licenses.

(9) LIQUOR LICENSE QUOTAS.

(a) "Class B" Liquor License Quota. The number of retail "Class B" liquor licenses issued under this section is limited as provided in §125.51(4), Wis. Stats.

(b) "Class A" Liquor License Quota. The number of "Class A" liquor licenses issued under this section is limited to one license for each 1,500 population of the City.

(10) LICENSE CONDITIONS AND RESTRICTIONS. In addition to the conditions and restrictions imposed by State law on the granting of a retail "Class A," "Class B," Class “B”, Class “A”, or “Class C” alcohol beverage license, the following conditions and restrictions shall apply: (1970 04/21/99)

(a) Consent to Inspection of Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the City without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. If such inspection is denied, such denial shall be deemed a violation of this section.

(b) Violation by Agents or Employees. A violation of this section by a duly authorized agent or employee of a licensee shall constitute a violation of the licensee.

(c) Sales to Underage Persons Prohibited. No alcohol beverages shall be sold, dispensed, given away or furnished to any underage person unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

(d) Sales by Clubs. No club licensed under §125.51(5)(c), Wis. Stats., shall sell alcohol beverages except to members and guests invited by members.

(e) Cessation of Operations. If any licensee shall suspend or cease doing business for 6 consecutive months or more, his "Class A" retail liquor license or his "Class B" intoxicating liquor license or his Class "B" fermented malt beverage license shall be subject to revocation by the Council after a public hearing. The Council may, for a good cause shown, extend such 6-month period.

(f) Transfer of License. No license shall be transferable from person to person except as provided by §125.04(12)(b), Wis. Stats., or from place to place, except as provided in §125.04(12)(a), Wis. Stats.

(g) Location of Premises Restricted. No Retail Class A or Class B license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This paragraph shall not apply to premises licensed prior to June 30, 1947, or licensed prior to the location of the institutions enumerated above.

(h) Safety and Health Requirements. No retail Class B license shall be issued unless the premises to be licensed conform to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code and the rules
and regulations of the State Department of Health and Social Services applicable to restaurants, and also conform to all ordinances and regulations of the City.

(i) Employment of Underage Persons. No retail Class B licensee shall employ any underage person, but this shall not apply to hotels, restaurants or grocery stores.

(j) Clear View of Premises Required. No premises licensed for sale of alcohol beverages shall permit the view of the interior to be substantially obstructed from the street or sidewalk by the use of curtains, blinds, screens, posters, advertising signage, lighting, or in any other manner. The premises shall be properly and adequately lighted during the hours in which the sale of alcohol beverages is permitted. (2232 08/08/2006)

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

(l) Wearing Apparel. All persons involved in the operation of any licensed premises under this section, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed operator, waiter, waitress, entertainer, dancer or any other employee, shall observe the following applicable minimum standards for such licensed premises:

1. The costume, uniform or attire of any female shall be of nontransparent material and must completely cover the breasts below the top of the areola at all times. The lower portion of such costume, uniform or attire must be of nontransparent material and completely cover the person’s pubic genitals and the buttocks at all times.

2. The costume, uniform or attire of any male shall be of nontransparent material and must completely cover the pubis area, genitals and buttocks at all times.


It shall be unlawful for any person to perform or engage in, or for any licensee or manager or agent of a licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

1. Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or
2. Shows any portion of the female breasts below a point immediately above the top of the areola; or
3. Shows the covered male genitals in a discernible turgid state.

The provisions of this subsection do not apply to the following licensed establishments: theaters, performing art centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing. For the purposes of this subsection, the term “Licensed Establishment” means any establishment licensed by the Common Council of the City of Baraboo to sell alcohol beverages pursuant to Ch. 125, Wis. Stats. The term “Licensee” means the holder of a retail “Class A”, “Class B”, Class “B”, Class “A” or “Class C” license granted by the Common Council of the City of Baraboo pursuant to Ch. 125, Wis. Stats.

(n) Posting of Licenses Required. Licenses or permits issued under this section shall be posted and displayed as provided in §15.04(10), Wis. Stats., and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

(o) Loud Noise Prohibited. No licensee shall permit or allow the use or operation of sound amplifying equipment on the licensed premises in such manner that the sound emanating from said equipment through any open window, open doorway or other opening of the licensed premises is unreasonably loud so as to disturb the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
Leaving Premises With Open Container Prohibited. No licensee shall permit or allow any person to leave the licensed premises with an open container that contains any alcohol beverage.

Premises to be Promptly Vacated at Closing Hour. No alcoholic beverage shall be sold or consumed upon any licensed premises after the official closing hour for said licensed premises, and said premises shall be promptly vacated at such closing hour by all persons except the owner and regular employees of the licensed premises except that a licensed premises whose principal business is the furnishing of some other commodity or service may remain open after the official closing hour solely for the furnishing of such other commodity or services, provided that all alcoholic beverages contained in such premises be placed in padlocked cases promptly at the closing hour and shall be kept padlocked during official closed hours. (1493 02/23/88)

Unlawful to Deliver Off Premises. (1629 11/12/91)

1. "Deliver" means the actual transfer of physical possession.
2. No retail alcohol beverage licensee or permittee shall deliver any alcohol beverage to the purchaser thereof at any location other than on the licensed premises.

COMPLIANCE WITH CODE. No new or renewal licenses shall be issued for any premises with an outstanding violation of any applicable building, plumbing or electrical code or of any code relating to fire hazards or the prevention of fires. If any such violation exists, it shall be cause for withholding the license or renewal thereof until the necessary corrections have been made and certified by the building inspector or the fire chief and if such violations are not corrected within a reasonable time, the license may be denied. (1714 12/22/93).

Assignment of Vacant or Surrendered Alcohol Licenses. The City of Baraboo shall use the following criteria and priority for the assignment of alcohol licenses that become vacant, are surrendered, or unused:

1. In circumstances in which an alcohol license is surrendered, but where the premises are sold, leased, or will otherwise be used by a new business owner, the new business owner shall have first claim upon the surrendered license, regardless of whether there are other pending applications for an alcohol license.
2. In circumstances in which an alcohol license is vacant or surrendered, and the premises will not be used by a new business owner, the following criteria shall be applied:
   a. If there are issued reserve licenses, the regular license shall be offered first to the owner of the oldest reserve license. If the license is not claimed, it shall then be offered to the next oldest reserve license, and so on, for as many reserve licenses as may be outstanding.
   b. If the City holds only one remaining license (regular or reserve), such license shall only be assigned after review by the Administrative Committee and approval of the Council.” (2439 01/26/16)

CLOSING HOURS. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages, as follows:

(a) Wholesale License. Between 5:00 P.M. and 8:00 A.M., except Saturdays when the closing hour shall be 9:00 P.M.

(b) Retail Class B Licenses. For consumption on the premises where sold, between the hours of 2:00 a.m. and 6:00 a.m. except on Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m.; on January 1, there are no closing hours. Between the hours of 12:00 midnight and 8:00 a.m. daily, no person may sell any packaged fermented malt beverage in the original package for consumption off the premises. Between the hours of 9:00 p.m. and 8:00 a.m. daily, no person may sell any intoxicating liquor or wine in the original package or container for consumption off the premises. (1499 03/22/88, 1514 05/24/88)

(c) Reserved. (Repealed by Ord. 1500 03/22/88)

(d) Hotels and Restaurants. Hotels and restaurants the principal business of which is the furnishing of food and/or lodging to patrons, and bowling alleys and golf courses, shall be permitted to remain open after closing hours for the conduct of regular business, but shall not sell intoxicating liquors or malt beverages during the closing hours stated in par. (c) above.

(e) Presence on Premises After Closing Hour Restricted.

1. Any person who is not an employee of the licensee who remains on the premises after the designated closing hour is subject to the penalties as provided in this chapter.
2. Any person, including, but not limited to, employees, licensees, owners or agents of a premises for which an alcohol beverage license has...
been issued, while on the licensed premises after closing, must be actively engaged in bona fide business activities and shall not consume alcohol beverages. (1864 04/16/96)

(12) SALE OF INTOXICATING LIQUOR, FERMENTED MALT BEVERAGES AND WINE IN ORIGINAL PACKAGE. (1515 05/24/88; 2373 01/24/2012)

(a) Sale Restrictions. Pursuant to §125.51(3)(b), Wis. Stats., no person may sell intoxicating liquor in an original unopened package, container or bottle for consumption away from the premises in excess of 4 liters at any one time on any premises for which any "Class B" intoxicating liquor license or Class "B" fermented malt beverage license has been issued. However, packaged goods sales of fermented malt beverages and wine from such premises may be made in any quantity.

(b) Hours of Sale for Retail "Class A" Intoxicating Liquor License. No person may sell any intoxicating liquor or wine in the original package or container for consumption off the premises between the hours of 9:00 p.m. and 6:00 a.m. daily.

(c) Hours of Sale for Retail "Class A" Fermented Malt Beverage License. No person may sell any packaged fermented malt beverage in the original package for consumption off the premises between 12:00 midnight and 6:00 a.m. daily.

(13) OUTDOOR ALCOHOL IN B-1 CENTRAL BUSINESS DISTRICTS(2423 10/14/2014)

(a) The sale and consumption of alcohol outdoors in the B-1 Central Business District shall comply fully with the requirements of this section. All outdoor licensed premises must be applied for and approved as licensed premises.

(b) Sidewalk sale and consumption. The sale and consumption of alcohol by a licensed premise upon the sidewalk shall be regulated by the requirements of this section.

1. Use of the sidewalk shall comply with the requirements of §8.04, Ordinances, related to sidewalk use permits. The sidewalk premise must be contiguous to the licensed premise. An unimpeded minimum clearance of four (4') feet shall be maintained for pedestrian traffic upon the sidewalk.

2. The sidewalk shall be an approved premise for the licensee.

3. Alcohol shall only be served to patrons who are seated at tables. Customers shall not be allowed to congregate or stand, regardless of whether they are consuming alcohol.

4. Alcohol shall only be served to patrons in conjunction with an order of food.

5. The sidewalk use area shall be vacated by 10:00 PM.

6. No amplification of sound is allowed in the sidewalk area.

(c) Non-sidewalk sale and consumption. The sale and consumption of alcohol by a licensed premise in an outdoor area not a sidewalk shall be regulated by the requirements of this section.

1. The outdoor area shall be an approved premise for the licensee.

2. The approved premises shall be contiguous to the indoor premises.

3. The outdoor premise must be surrounded by a solid (so as to restrict the passing of alcohol outside the fence and to limit noise) structure fence six feet in height. Entry to the outdoor premise shall be restricted to entry from the building and not from a public way. However, for premises contiguous with the Baraboo River, only a three foot fence shall be required.

4. The outdoor premises shall be promptly vacated no later than 10:00 PM by all customers and patrons, except the owner and regular employees of the licensed premises and then only for the purpose of cleaning up.

5. All outdoor licensed premises shall comply with all fire regulations including emergency exits and be subject to inspection by the Fire Inspector.

6. The outdoor licensed premises shall only be used for serving food and permitted alcohol beverages and no part of said area shall be used for recreational activities, such as, for example, volleyball, horseshoes, darts,
softball. No music shall be broadcast directly into the outdoor area by means of outdoor speakers or jukeboxes, nor shall live music be permitted.

7. Lighting of the outdoor area shall not be of such intensity or brilliance as to be a hazard or dangerous distraction to vehicular traffic. All lighting for the outdoor premises shall be down-directed lighting and shall comply with the requirements of §17.47(3)(c)14, Ordinances.

(13A) OUTDOOR ALCOHOL IN B-3 HIGHWAY ORIENTED BUSINESS DISTRICTS (2489 04/24/2018)

(a) The sale and consumption of alcohol outdoors in the B-3 Highway Oriented Business District shall comply fully with the requirements of this section.

(b) Sidewalk sale and consumption. The sale and consumption of alcohol beverages upon the sidewalk is prohibited.

(c) Non-sidewalk sale and consumption. The sale and consumption of alcohol by a licensed premise in an outdoor area not a sidewalk shall be regulated by the requirements of this section.

1. The outdoor area shall be described in detail on the license application and must be on the same lot as the licensed indoor premises. Alcohol possession and consumption in any area of not described in detail on the license application is strictly prohibited.

2. The outdoor area must be surrounded by a fence which is (a) a minimum of three feet in height, (b) a minimum of 50 percent opaque (meaning the spaces between the pickets are equal to or less than the width of the pickets), and (c) maintained in a structurally sound and attractive manner.

3. Entry to the outdoor area shall be restricted to entry from the same lot as the licensed indoor premises and not from a public way.

4. The outdoor area shall be promptly vacated no later than 10:00 PM by all customers and patrons, except the owner and regular employees of the licensed premises and then only for the purpose of cleaning up.

5. The outdoor area shall comply with all fire regulations including emergency exits and be subject to inspection by the Fire Inspector.

6. The outdoor area may be used for recreational activities, such as, for example, volleyball, horseshoes, darts, and softball. No music shall be broadcast directly into the outdoor area by means of outdoor speakers or jukeboxes, nor shall live music be permitted, except with a special permit. However, no recreational activities shall be allowed on parcels that are contiguous with a residential zoning district. For purposes of determining contiguity, any parcel used by, or serving the business, including parking, shall be considered a portion of the licensed business.

7. Lighting of the outdoor area shall not be of such intensity or brilliance as to be a hazard or dangerous distraction to vehicular traffic. All lighting for the outdoor premises shall be down directed lighting and shall comply with the requirements of §17.47(3)(c)14, Ordinances.

(d) Outdoor Musical Entertainment Permit. Entertainment in an outdoor licensed premise shall be allowed by special permit based upon the following requirements:

1. Musical Entertainment shall be allowed no more than four times per calendar year.

2. The requirements of subsection (c), supra, are met. However, amplification of voices and instruments shall be allowed so long as the entertainment does not violate §9.06(2), Ordinances, Loud and Unnecessary Noise.

3. All permits for Musical Entertainment shall be approved by the Chief of Police, who, in consultation with the Fire Inspector, may set additional specific requirements to be met prior to the issuance of a permit. Such restrictions shall be reasonably based upon the size of the premises, and the location of the premises in proximity to residential property.

(14) UNDERAGE PERSON; PRESENCE IN PLACES OF SALE.

(a) Restrictions. Pursuant to §125.07(3), Wis. Stats., an underage person not accompanied by his parent, guardian or
spouse who has attained the legal drinking age may not enter or be on any premise for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities that normally constitute activities of a customer of the premises.

(b) Exceptions. Paragraph (a) above shall not apply to:

1. An underage person who is a resident, employee, lodger or boarder on the licensed premises.

2. An underage person who enters a "Class A" premises for the purpose of purchasing edibles and soft drinks and immediately thereafter leaves such premises.

3. Hotels, drug stores, grocery stores, bowling alleys, athletic fields or stadiums owned by a county or municipality.

4. Ski chalets, golf clubhouses, curling clubs and private tennis clubs.

5. Licensed restaurants where the principal business is that of a restaurant.

6. A person who is at least 18 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.

7. An underage person who enters a Class "B" or "Class B" premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the Police Department of such specified dates; unless all alcohol beverages are stored in a locked portion of the premises, the licensee or the licensed operator must be on the premises at all times.

8. An underage person attending a visual or performing arts center, stadium, or grandstand with a fixed seating capacity exceeding 500 persons, for purposes of attending a performance, when the center, stadium, or grandstand operator has requested that minors be allowed to be present and such request has been approved in writing by the Police Chief, based upon the consideration of factors such as whether the performance primarily appeals to an adult audience or an underage audience, the hours of the performance, and such other factors as the Chief may deem relevant. A denial of a request under this section may be appealed to the Administrative Committee for review. (2304 05/12/2009)

(15) UNDERAGE PERSON; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES.

(a) Restrictions. Pursuant to §125.07(4)(b) and (bm), Wis.Stats., no underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may knowingly possess or consume alcohol beverages.

(b) Exceptions. An underage person may possess alcohol beverages if employed by any of the following:

1. A brewer.
2. A fermented malt beverages wholesaler.
3. A permittee other than a Class "B" or "Class B" permittee.
5. A retail licensee or permittee under the conditions specified in §125.32(2) or §125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.
6. A campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age.

(16) REVOCATION OR SUSPENSION OF LICENSE. (2311 07/28/2009)

(a) Procedure. Except as hereinafter provided, the provisions of §125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for revocation or suspension of licenses or permits granted under this section. Revocation or suspension proceedings may be initiated upon written complaint by the Mayor or Chief of Police or by the Council upon its own motion.

(b) No violations of §12.02 may be considered under this Subsection unless the licensee or permittee has committed another violation within one year preceding the violation. If a licensee or permittee has committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered under this Subsection. (§125.12(1)(b)2, Stats.)
(c) **Summons.** Upon the filing of the complaint, the Administrative Committee shall issue a summons, signed by the City Clerk and directed to any peace officer in the municipality. The summons shall command the licensee complained of to appear before the Committee on a day and time and at a place named in the summons, not less than three (3) days and not more than ten (10) days from the date of issuance, and show cause why the license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least three (3) days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under Ch. 801, Wis. Stats., for service in civil actions in circuit court.

(d) **Procedure on Hearing.**

1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the Committee finds the allegations sufficient, the license shall be revoked. The Clerk shall give notice of the revocation to the person whose license is revoked.

2. The Administrative Committee shall serve as the hearing agency for the Common Council. The chair of the Committee or the chair's designee shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. So far as practicable, the rules of evidence provided in §227.45, Wis. Stats., shall be followed. The complainant shall have the burden of proving the charges by a preponderance of the evidence.

3. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. All proceedings and testimony shall be recorded on tape and transcribed unless waived by both the complainant and licensee. If either party requests a stenographic recording and transcription, City staff shall make the necessary arrangements, but the expense shall be borne by the requesting party. The City Clerk shall mark and receive all exhibits admitted into the record.

4. Within twenty (20) days of the completion of the hearing, the Committee shall submit a report to the Common Council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the Common Council should take with respect to the license. The Committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Common Council. The Common Council shall determine whether the arguments shall be represented orally or in writing or both.

5. If the Common Council, after considering the Committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided below. If the Common Council rejects or modifies the report, the Common Council shall adopt appropriate findings of fact and conclusions of law. If the recommendation of the Administrative Committee is based upon a stipulation of the parties, the Common Council may accept or reject the recommendation by a simple majority vote. If the Common Council rejects the recommendation, the matter shall be referred back to the Committee for a full fact-finding hearing. If the recommendation is based upon a full fact-finding hearing, the recommendation shall become the decision of the Common Council unless reversed or modified by a simple majority vote. No further evidence shall be allowed before the Common Council.

6. If the City Council, after considering the Committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to the report recommending suspension or revocation, the
license shall be suspended for not less than three (3) days nor more than ninety (90) days or revoked, except that, if a complaint under §125.12(2)(ag)4, Stats., is found to be true the license shall be revoked.

7. The decision of the Common Council shall be a final determination for purposes of judicial review. If the complaint is found to be true, the licensee shall pay to the City the actual cost of the proceedings.

8. The City Clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.

9. If the Common Council finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the Common Council finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The Common Council or committee may require the complainant to provide security for such costs before issuing the summons under §38.10(1)(ar). (§125.12(2)(b)4, Stats.)

(e) Effect of Revocation. When a license is revoked under this subsection, the revocation shall be recorded by the City Clerk and no other license issued under this chapter shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of the revocation.

(f) Judicial Review. The action of the Common Council in granting or failing to grant, suspending or revoking any license, or the failure of the Common Council to revoke or suspend any license for good cause, may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the city. The procedure on review shall be the same as in civil actions instituted in the circuit court. The person desiring review shall file pleadings, which shall be served on the Common Council in the manner provided in Chapter 801, Wis. Stats., for service in civil actions and a copy of the pleadings shall be served on the applicant or licensee. The Common Council, applicant or licensee shall have 20 days to file an answer to the complaint. Following filing of the answer, the matter shall be deemed at issue and hearing may be had within 5 days, upon due notice served upon the opposing party. The hearing shall be before the court without a jury. Subpoenas for witnesses may be issued and their attendance compelled. The decision of the court shall be filed within 10 days after the hearing and a copy of the decision shall be transmitted to each of the parties. The decision shall be binding unless it is appealed to the court of appeals. (§125.12(2)(d) Stats.)

(g) Nonrenewal of License. The Police Chief may, after investigation, commence an action before the Administrative Committee to hear evidence and make a recommendation to the Common Council that a license issued pursuant to this chapter not be renewed. The Chairperson shall, in writing, notify the licensee of the consideration of nonrenewal. Such notification shall be in the form of and shall serve as the summons and complaint and shall include a statement of the reasons for the consideration of the nonrenewal of the license in the same specificity required for a summons and complaint for revocation or suspension. If the license is recommended for nonrenewal, costs may be assessed against the licensee and any renewal application fee shall be forfeited. In all other respects, the provisions of Subdivisions (c) and (d) shall apply.

(h) Other Provisions. Any license issued pursuant to Chapter 12 of the Baraboo Code of Ordinances shall be subject to such further regulations and restrictions as may be imposed by the Common Council of the City of Baraboo by amendment to this section or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations her/his license may be revoked in accordance with this section. In case of revocation of any license or any violation of any provision of this ordinance in accordance with this section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.

(i) Point Values for Alcohol Beverage Violations and Revocations and Suspensions.
1. Purpose and Definitions. The purpose of this subsection is to administratively interpret those portions of §12.02, Baraboo Code of Ordinances, relating to establishing an alcohol beverage demerit point system to assist in determining which license holders should be subject to suspension or revocation procedures.

2. Point Schedule. The scale of demerit points is listed according to the type of alcohol beverage violation. This demerit point system is used to identify habitually troublesome license holders who have repeatedly violated state statutes and Baraboo Ordinances, for the purpose of recommending suspension or revocation of their alcohol beverage licenses.

3. Violations, How Calculated. In determining the accumulated demerit points against a license within twelve (12) months, the City shall use the date each violation was committed as the basis for the determination.

4. Suspension or Revocation of License. The Administrative Committee shall call before it for purposes of a revocation or suspension hearing all licensees who have accumulated seven (7) points in a twelve-month period as a result of court imposed convictions or who have had referred to it reports from the Police Chief which, if believed, would result in seven (7) demerit points in twelve (12) months.

5. Formal Expression of Concern. In those instances in which a licensee has accumulated four (4) demerit points in a 12-month period as determined by the Police Chief, the Committee shall call before it the licensee for purposes of a formal expression of concern. If the licensee appears, no discussion of the alleged facts underlying the assessment of demerit points shall be permitted unless the licensee requests such discussion but only if the licensee is advised that any statements made by the licensee and/or her/his representatives regarding the alleged facts may be considered by the Committee in any subsequent suspension/revocation hearing which may result from the alleged violations which are the subject of the formal expression of concern.

6. If the demerit point accumulation, calculated from the date of violation, meets or exceeds seven (7) points in a 12-month period, the Committee may suspend the license. If suspended, the suspension shall be for not less than three (3) days or more than ninety (90). If the demerit point accumulation, calculated from the date of violation, meets or exceeds 10 points in a 12-month period, the Committee may revoke the license. If the license is revoked, no other license shall be granted to such licensee for a period of twelve (12) months from the date of revocation.

7. This ordinance amendment shall apply only to violations that would trigger a formal expression of concern which occur after this ordinance is adopted.

8. Severability. The several terms and provisions of this section shall be deemed severable, and if any provision hereof or the application hereof to any person or circumstances is held invalid, the remainder of the section and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

9. Demerit Points: The following demerit points shall be issued for the offenses as shown:

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Offense</th>
<th>Demerit Points</th>
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<tbody>
<tr>
<td>§12.02(10)(c)</td>
<td>Traffic to underaged person</td>
<td>2</td>
</tr>
<tr>
<td>§12.02(10)(a)</td>
<td>Traffic to Intoxicated Person</td>
<td>2</td>
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<tr>
<td>§12.02(10)(n)</td>
<td>Failure to post license</td>
<td>1</td>
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<tr>
<td>§12.02(10)(q)</td>
<td>Failure to allow premises inspection</td>
<td>2</td>
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<tr>
<td>§12.02(10)(o)</td>
<td>Noise violations</td>
<td>1</td>
</tr>
<tr>
<td>§12.02(10)(b)</td>
<td>Sales/dispense after hours</td>
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</tr>
<tr>
<td>§12.02(10)(p)</td>
<td>Open after hours</td>
<td>1</td>
</tr>
<tr>
<td>§12.02(10)(j)</td>
<td>Leaving with open container</td>
<td>1</td>
</tr>
<tr>
<td>§12.02(10)(k)</td>
<td>Gambling</td>
<td>1</td>
</tr>
<tr>
<td>§12.02(10)(g)</td>
<td>Unobstructed view violation</td>
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<td>Section</td>
<td>Description</td>
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<td>§12.02(10)(l)</td>
<td>Improper wearing apparel</td>
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<td>§12.02(1) adopting §125.68(2) Stats</td>
<td>No licensed bartender on premises</td>
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<tr>
<td>§12.02(10)(k)</td>
<td>Disorderly Conduct</td>
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<tr>
<td>§12.02(8)(c)</td>
<td>No licensed agent</td>
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<tr>
<td></td>
<td>Any other offense under Ch. 125 Statutes or Ch. 12, Baraboo Ordinances</td>
<td></td>
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</table>

(17) NONRENEWAL OF LICENSE. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for non-renewal and a copy of any proposed motion for non-renewal and shall have an opportunity to be heard before the Council.

(18) LIMITING CLASS "B" LICENSED PREMISES. (1613 06/25/91) No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway which serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:

- A hotel.
- A restaurant, whether or not it is part or located in any mercantile establishment.
- A combination grocery store and tavern.
- A combination sporting goods store and tavern.
- A combination novelty store and tavern.
- A bowling alley or recreation premises.
- A club, society or lodge that has been in existence for six months or prior to the date of filing application for the Class "B" license or permit.

(19) ENFORCEMENT. Any person violating any provision of this section (12.02) or any condition included on a license application or on the license itself or who provides any false or inaccurate information on a written application shall be subject to a penalty as provided in §25.04 of this code. Nothing in this sub-section shall in any way diminish the authority of the Common Council to suspend, revoke, or non-renew any license issued pursuant to this section for any violation of this section or grounds enumerated in this section or in Ch. 125 of Wisconsin Statutes. (2166 11/26/04)

12.03 REGULATION AND LICENSING OF PAWNBROKERS, SECONDHAND ARTICLE DEALERS AND SECONDHAND JEWELRY DEALERS. (1587 03/12/91; 2358 05/10/2011; 2375 03/27/2012; 2464 9/12/17; 2486 03/27/2018)

PURPOSE.

(a) The City Council finds that the services offered by pawnshops, secondhand article dealers, and secondhand jewelry dealers provide an opportunity for individuals to readily transfer stolen property to those businesses. The Council also finds that consumer protection regulation is warranted in transactions involving these businesses. The Council further finds that pawnshops, secondhand article dealers, and secondhand jewelry dealers have outgrown the City’s current ability to effectively or efficiently identify criminal activity related to them. The purpose of this section is to prevent pawnshops, secondhand article dealers, and secondhand jewelry dealers from being used to facilitate the commission of crimes and to assure that they comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens, and pursuant to the authority granted by §134.71, Wis. Stats.

(b) This chapter implements and establishes the required use of an automated, computerized tracking system to help the Police Department better regulate current and future pawnshops, secondhand article dealers, and secondhand jewelry dealers to decrease and stabilize costs associated with the regulation of pawnshops, secondhand article dealers, and secondhand jewelry dealers and to increase identification of criminal activities in pawnshops, secondhand article dealers, and secondhand jewelry dealers through the timely collection and sharing of transaction information.

(1) DEFINITIONS. For the purpose of this section, the following definitions shall apply:
(a) Article means any of the following items:
1. Audiovisual equipment.
2. Bicycles.
3. China.
4. Computers, printers, software and computer supplies.
6. Crystal.
7. Electronic equipment.
8. Fur coats and other fur clothing.
9. Ammunition and knives.
10. Microwave ovens.
11. Office equipment.
13. Video tapes or discs, audio tapes or discs, video games, and other optical media.

(b) Billable transaction means every reportable transaction except renewals, redemptions, voids, or extensions of existing pawns or purchases previously reported and continuously in the pawnbroker’s, secondhand article dealers’ or secondhand jewelry dealers’ possession.

(c) Charitable organization means a corporation, trust, or community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(d) Customer means a person with whom a pawnbroker, secondhand article dealer, or secondhand jewelry dealer, or an agent thereof, engages in a transaction of purchase, sale, receipt, or exchange of any secondhand article.

(e) Jewelry or piece of jewelry means any tangible personal property ordinarily wearable on the person and consisting in whole or in part of any metal, mineral or gem customarily regarded as precious or semiprecious.

(f) License means a Pawnbroker License, Secondhand Article Dealer License, or Secondhand Jewelry Dealer License issued by the City Clerk.

(g) Pawnbroker means any person who engages in the business of lending money on the deposit or pledge of any article or purchasing any article with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price. To the extent that a pawnbroker’s business includes buying personal property previously used, rented, leased, or selling it on consignment, the provisions of this chapter shall be applicable. A person is not acting as a pawnbroker when engaging in any of the following:
1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem, or antique show, or a convention.
2. Any transaction entered into by a person engaged in the business of junk collector, junk dealer, or scrap processor, as described in § 70.995(2)(x), Wis. Stats.
3. Any transaction while operating as a charitable organization or conducting a sale, the proceeds of which are donated to a charitable organization.
4. Any transaction between a buyer of a new article and the person who sold the article when new that involves any of the following:
   a. The return of the article.
   b. The exchange of the article for a different, new article.
5. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.
6. Any transaction as a seller of a secondhand article that the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

(h) Person includes all natural persons, partnerships, associations and bodies politic or corporate.

(i) Reportable transaction means every transaction conducted by a pawnbroker, secondhand article dealer or and secondhand jewelry dealers in which an article or articles are received through a pawn, purchase, or trade, or in which a pawn is renewed, extended, voided, or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, and is reportable except as provided elsewhere in this chapter and except:
1. The bulk purchase of new or used articles from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said articles, provided the pawnbroker must maintain a record of such purchase or consignment that describes each item, and must mark each item in a manner that relates it to that transaction record.
2. Retail and wholesale sales of articles originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

(j) Secondhand article means an article or piece of jewelry owned by any person, except a wholesaler, retailer, or licensed secondhand article dealer, immediately before the transaction at hand.

(k) Secondhand article dealer means any person, other than an auctioneer, who engages in the business of purchasing or selling secondhand articles, except when engaging in any of the following:

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show or a convention.
2. Any transaction entered into by a person while engaged in a business for which the person is licensed pursuant to §134.71(2) or (4), Wisconsin Statutes, or while engaged in the business of junk collector, junk dealer or scrap processor as described in §70.995(2)(x), Wisconsin Statutes.
3. Any transaction while operating as a charitable organization or conducting a sale the proceeds of which are donated to a charitable organization.
4. Any transaction between a buyer of new jewelry and the person who sold the jewelry when new which involves any of the following:
   a. The return of the jewelry.
   b. The exchange of the jewelry for different, new jewelry.
5. Any transaction as a purchaser of secondhand jewelry from a charitable organization if the secondhand jewelry was a gift to the charitable organization.
6. Any transaction as a seller of secondhand jewelry which the person bought from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

(2) INSPECTION OF ITEMS. At all times during the term of the license, the pawnbroker, secondhand article dealer, or secondhand jewelry dealer must allow the police department to enter the premises where the licensed business is located, including all off-site storage facilities, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, wares, merchandise, and records therein to verify compliance with this chapter or other applicable laws.

3. LICENSE. No person may operate as a pawnbroker, secondhand article dealer, or secondhand jewelry dealer in the City unless the person first obtains a license under this chapter.

4. DISPLAY OF LICENSE. Each license issued under this chapter shall be displayed in a conspicuous place visible to anyone entering a licensed premise.

5. LICENSE APPLICATION. A person wishing to operate as a pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall apply for a license to the City Clerk. The Clerk shall furnish application forms approved by the police department that shall require all of the following:

   (a) The applicant's name, date of birth, residence address, and residence addresses for the 10-year period prior to the date of the application.
(b) The name, date of birth, resident address and business address of the owner of the licensed premises.

(c) Whether the applicant is a natural person, corporation, limited liability company, or partnership, and:
1. If the applicant is a corporation, the state where incorporated and the names, dates of birth and resident addresses of all officers and directors.
2. If the applicant is a partnership, the names, dates of birth and resident addresses of all partners.
3. If the applicant is a limited liability company, the names, dates of birth and resident addresses of all members.
4. The names, dates of birth and resident addresses of the managers and employees who work at the licensed premises.
5. Any other information that the Clerk may reasonably require.

(d) A statement as to whether the applicant or any other person listed in subsection (c), above, has an open and pending criminal, misdemeanor or forfeiture charge that is substantially related to the circumstances of the licensed activity and/or has been convicted within the preceding ten years of a felony, misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially related to the circumstances of the licensed activity and, if so, the nature and date of the offense and the penalty assessed.

(e) Whether the applicant or any other person listed in subsection (c), above, has ever used or been known by another name, and if so, the name or names used and information concerning dates and places used.

(f) Whether the applicant or any other person listed in subsection (c), above, has previously been denied or had revoked or suspended a pawnbroker, secondhand article dealer or secondhand jewelry dealer license from any other governmental unit. If so, the applicant must furnish information as to the date, location, and reason for the action.

6. PRE-LICENSE INVESTIGATION. The Baraboo Police Department shall investigate each applicant and every person listed in section 5(c), above, prior to a license being issued to determine whether the applicant or any person listed in section 5(c), above, has been convicted within the preceding ten years of a felony or within the preceding ten years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially related to the circumstances of the licensed activity and, if so, the nature and date of the offense and the penalty assessed. The Baraboo Police Department shall furnish the information derived from that investigation in writing to the City Clerk.

7. LICENSE ISSUANCE.
(a) The City Clerk shall grant the license if all of the following apply:
1. The applicant and every person listed in section 5(c), above, does not have an open or pending charge or conviction record as described in section 6, above.
2. The applicant provides to the City Clerk a license bond of $500 with not less than two sureties for the observation of all municipal ordinances or state or federal laws relating to pawnbrokers, secondhand article dealers, or secondhand jewelry dealers. The bond must be in full force and effect at all times during the term of the license.
3. The applicant paid the license fee, with said fee approved by the Common Council on an annual basis. The license fee is non-refundable and shall not be prorated. A copy of the license fee rates shall be on file with the City Clerk.
(b) No license issued under this subsection may be transferred.
(c) All Pawnbroker Licenses, Secondhand Article Dealer Licenses and Secondhand Jewelry Dealer Licenses are valid for one (1) year, from January 1 until December 31.

8. REQUIREMENTS.
(a) Identification. No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may engage in a transaction of purchase, receipt, or exchange of any secondhand article from a customer without first securing adequate identification from the customer. At the time of the transaction, the pawnbroker shall require the customer to present one of the
following types of current and valid identification:
1. Wisconsin driver’s license;
2. Wisconsin identification card;
3. Photo identification card or photo driver’s license issued by another state, US territory or province of Canada;
4. Passport;

(b) **Transactions with Minors.** No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may engage in a transaction of purchase, receipt, or exchange of any secondhand article from any minor, defined as a person under the age of 18 years.

(c) **Records Required.** At the time of any reportable transaction other than renewals, extensions, or redemptions, every pawnbroker, secondhand article dealer and secondhand jewelry dealer must immediately record the following information in a computerized record approved by the Baraboo Police Department:
1. A complete and accurate description of each article or piece of jewelry, including, but not limited to any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an article or piece of jewelry.
2. The purchase price, amount of money loaned upon, amount of money or pledged therefore.
3. The maturity date of the transaction and the amount due, including monthly and annual interest rates and all fees and charges, if applicable.
4. Date, time, and place the article or piece of jewelry was received by the pawnbroker, secondhand article dealer or secondhand jewelry dealer and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions.
5. The full name, current residence address, current residence telephone number, date of birth, and accurate description of the person from whom the article or piece of jewelry was received, including sex, height, weight, race, color of eyes, and color of hair.
6. A copy of the identification as required by section (a), above.
7. The signature of the person identified in the transaction.

8. The pawnbroker, secondhand article dealer and secondhand jewelry dealer shall provide the original transaction identifier, the date of the current transaction, and the type of transaction for renewals, extensions, and redemptions.

9. Every pawnbroker, secondhand article dealer and secondhand jewelry dealer shall keep a written inventory of all articles and pieces of jewelry received, with said record containing the name and address of each customer, the date, time, and place of the transaction, and a detailed description of the article or piece of jewelry that is the subject of the transaction. The customer shall sign his or her name on a declaration of ownership identified in the inventory and shall state that he or she owns the article or piece of jewelry. The pawnbroker, secondhand article dealer or secondhand jewelry dealer shall retain an original and a duplicate of each entry and declaration of ownership relating to the purchase, receipt, or exchange of any secondhand article for not less than one (1) year after the date of the transaction and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any reasonable time.

10. Computerized data entries and inventories as required by this chapter shall be retained by pawnbrokers, secondhand article dealers and secondhand jewelry dealers for at least one (1) calendar year from the date of transaction.

(d) **Holding Period.**
1. Any secondhand article purchased or received by a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall be kept on the premises or other place for safekeeping for not less than seven (7) calendar days after the date of purchase or receipt, unless the person known by the pawnbroker, secondhand article dealer or secondhand jewelry dealer to be the lawful owner of the secondhand article redeems it.

2. During the period set forth in section 1, above, the article or jewelry shall be held separate from saleable inventory and may not be altered in any manner. The pawnbroker, secondhand article
dealer or secondhand jewelry dealer shall permit any law enforcement officer to inspect the article or jewelry during this period. Within 24 hours after a request of a law enforcement officer during this period, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall make available for inspection any article or jewelry which is kept off the licensed premises for safekeeping.

3. This section shall not apply to an article or piece of jewelry consigned to a pawnbroker, secondhand article dealer, or secondhand jewelry dealer.

(e) Pawnbroker Redemption Period.
Any person pledging, pawning or depositing any article or jewelry for security with a pawnbroker must have a minimum of sixty (60) calendar days from the date of that transaction to redeem the article or jewelry before it may be forfeited and sold. During the sixty (60)-day holding period, articles and jewelry may not be removed from the licensed premises. Pawnbrokers are prohibited from redeeming any article or jewelry to anyone other than the person to whom the receipt was issued, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with the approval of the Baraboo Police Department. Written authorization for release of property to persons other than the original pledger must be maintained along with the original transaction record in accordance with section (d), above.

(f) Police Order to Hold Property.
Whenever a law enforcement officer from any agency notifies a pawnbroker, secondhand article dealer or secondhand jewelry dealer not to sell an article or piece of jewelry, the article or piece of jewelry must not be sold or removed from the licensed premises. The investigatory hold shall be confirmed in writing by the originating agency within 72 hours and will remain in effect for fifteen (15) calendar days from the date of initial notification, or until the investigatory order is canceled, or until an order to confiscate is issued, pursuant to subsection a, below, whichever comes first.

a. If an article or piece of jewelry is identified as stolen or evidence in a criminal case, the law enforcement agency may physically confiscate and remove it, pursuant to a written order from the police department.

b. When an article or piece of jewelry is confiscated, the person doing so shall provide identification upon request and shall provide the pawnbroker, secondhand article dealer or secondhand jewelry dealer with the name and phone number of the confiscating officer and the case number related to the confiscation.

c. When an order to confiscate is no longer necessary, the law enforcement agency shall so notify the pawnbroker, secondhand article dealer or secondhand jewelry dealer.

(g) Daily Reports to Police.
1. Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers must submit every reportable transaction to the Baraboo Police Department daily in the following manner:

a. Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers must provide to the police department all information required in section (c), above, and other required information, by transferring it from their computer to the Baraboo Police Department's approved tracking system via secure modem. All required records must be transmitted completely and accurately by noon the day following the day of the transaction in accordance with standards and procedures established by the Baraboo Police Department.

b. The pawnbroker, secondhand article dealer, and secondhand jewelry dealer must display a sign of sufficient size in a conspicuous place on the premises which informs all patrons that all transactions are reported daily to the Baraboo Police Department by a computerized monitoring system.
2. If a pawnbroker, secondhand article dealer or secondhand jewelry dealer is unable to successfully transfer the required reports by their secured modem, the pawnbroker, secondhand article dealer or secondhand jewelry dealer must provide the Baraboo Police Department with printed copies of all reportable transactions by noon the next business day. If the problem is determined to be in the pawnbroker, secondhand article dealer or secondhand jewelry dealer system and is not corrected by the close of the first business day following the failure, the pawnbroker, secondhand article dealer or secondhand jewelry dealer shall be charged a daily reporting failure fee of $10.00 until the error is corrected, or, if the problem is determined to be outside the system, the pawnbroker, secondhand article dealer or secondhand jewelry dealer must provide the required reports and resubmit all such transactions via modem when the error is corrected. Regardless of the cause or origin of the technical problems that prevented the upload of the reportable transactions, upon correction of the problem, the pawnbroker, secondhand article dealer or secondhand jewelry dealer shall upload every reportable transaction from every business day the problem existed. The provisions of this section notwithstanding, the Baraboo Police Department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

3. Each transactions by a person in a single day may be reported by the pawnbroker, secondhand article dealers, or second jewelry dealers as a single transaction.

4. All incomplete forms will result in a $7.50 penalty to be paid to the City Clerk. All penalties must be paid prior to the renewal of any license.

5. The Common Council may determine to charge a fee for billable transactions as described in section (1), above, with a list of the fees available from the City Clerk. Fees shall be billed to the license holder on a monthly basis, with payment due within thirty (30) calendar days of the date of the invoice.

6. Nothing in this section applies to the return or exchange from a customer to a pawnbroker, secondhand article dealer or secondhand jewelry dealer of any secondhand article purchased from the pawnbroker, secondhand article dealer or secondhand jewelry dealer.

(h) Label Required. Pawnbrokers, secondhand article dealers, or secondhand jewelry dealers must attach a label to every article or piece of jewelry at the time it is pawned, purchased, or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the licensed premises’ records, the transaction date, the name of the article or piece of jewelry and the description or the model and serial number of the article or piece of jewelry as reported to the police department, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be reused.

(i) Current Information. A license holder must report any changes to the people listed in section 5(c), above, to the City Clerk within seven (7) calendar days of the change. If the change is the addition of a person or persons, the Baraboo Police Department will conduct an investigation into the person or persons’ background following the procedure described in section 6, above. If the person or persons does not meet the qualifications to be a pawnbroker, secondhand article dealer or secondhand jewelry dealer, the City Clerk shall notify the license holder and the license holder will have thirty (30) calendar days from the date of the notice to either voluntarily surrender the license or to provide proof that the person or persons not meeting the licensing criteria are no longer employed by or in any way associated with the licensed premises.

9. PROHIBITED ACTS.

(1) In addition to the requirements contained in this chapter, the following is prohibited:
(a) No person under the age of 18 years may pawn or sell or attempt to pawn or sell articles or pieces of jewelry to any pawnbroker, secondhand article dealer or secondhand jewelry dealer, nor may any pawnbroker, secondhand article
dealer or secondhand jewelry dealer receive any articles or jewelry from a person under the age of 18.

(b) No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may receive any articles or pieces of jewelry from a person reasonably believed to be of unsound mind, known to be the subject of a guardianship, conservatorship, or receivership, or a person reasonably believed to be intoxicated.

(c) No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may receive an article or piece of jewelry that possesses an altered or obliterated serial number or other identification number, or any article or piece of jewelry that has had its serial number removed.

(d) No person may pawn, pledge, sell, consign, leave, or deposit any article or piece of jewelry not their own, nor shall any person pawn, pledge, sell, consign, leave, or deposit an article or piece of jewelry of another, whether with permission or without, nor shall any person pawn, pledge, sell, consign, leave, or deposit any article or piece of jewelry in which another has a security interest with any pawnbroker.

(e) No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall give a false or fictitious name, nor give a false date of birth, nor give a false or out-of-date address of residence or telephone number, nor present a false or altered identification or the identification of another to any pawnbroker.

10. LICENSE DENIAL, SUSPENSION, OR REVOCATION.

(1) A license issued hereunder may be denied, revoked, or suspended by the City Clerk upon administrative determination that the licensee has committed fraud, misrepresentation, or provided a false statement in the application for a license, or violated this chapter or §§134.71, 943.34, 948.62 or 948.63, Wis. Stats., or violated any local, state, or federal law substantially related to the businesses licensed under this chapter.

(2) The City Clerk may deny, suspend, or revoke any license issued under this section upon administrative determination that the applicant or any person listed in section 6(c), above, is not a citizen of the United States or a resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information.

(3) The City Clerk may suspend the license of any pawnbroker, secondhand article dealer, or secondhand jewelry dealer who does not pay the fees required by this section within thirty (30) days of the date of said invoice. The City Clerk may revoke the license of any pawnbroker, secondhand article dealer, or secondhand jewelry dealer who has not paid for charges assessed for reportable transactions for ninety (90) days, or has been suspended three times in any calendar year.

11. FEES.

(a) The license fee under this chapter shall be as contained in the City of Baraboo Fees and Licenses Schedule.

(b) The billable transaction fee as contained in the City of Baraboo Fees and Licenses Schedule shall be charged for each billable transaction, and such fees shall be billed to each pawnbroker, secondhand article dealer or secondhand jewelry dealer monthly and are due and payable within thirty (30) days of the billing date. Failure to pay within that time period is a violation of this chapter.

12. PENALTY. Any person who is convicted of violating any of the provisions of this chapter shall forfeit not less than $50.00 nor more than $100.00, plus the costs of prosecution. Each day of violation shall constitute a separate offense.

13. APPEAL. Any party whose pawnbroker, secondhand article dealer, or secondhand jewelry dealer license has been denied, suspended, or revoked shall have the right to appeal such denial, suspension, or revocation to the Administrative Committee for a hearing. After the presentation of evidence to the Committee, a determination shall be made that the denial, suspension, or revocation shall stand or is overturned in whole or in part, and findings shall be made by the Committee with regard to that determination. The decision of the Committee shall be final.
14. SEVERABILITY. If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

12.04 TOBACCO RETAILER LICENSE
(2460 07/11/2017)

(1) LICENSE REQUIRED. No person shall in any manner, or upon any pretense, or by any device, directly or indirectly sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes or tobacco products to any person not holding a license as herein provided in the City without first obtaining a license from the City Clerk. The provisions of §134.65, Wis. Stats., are hereby adopted and made a part of this section by reference.

12.05 SPECIAL EVENT LICENSE.
(2206 09/13/2005  2429 05/26/2015
2407 08/28/2018)

The City of Baraboo recognizes that special events can bring many benefits to the community. At the same time, the City must have sufficient notice prior to a special event so that the City can evaluate the potential impact the event might have on resources of City departments, City owned properties and facilities, and on the public. Because events have unique characteristics with different potential impacts on City services, the issuance of a license is considered on a case-by-case basis and in accordance with this ordinance.

(1) DEFINITIONS. As used in this ordinance, the following terms have the following meaning:

"Applicant" means the person applying for the special events license.

"City Property" includes all buildings, parks, parking lots, streets, sidewalks and other rights-of-way and any other property owned, leased, managed or controlled by the City of Baraboo.

"Extraordinary Services" means reasonable and necessary services provided by the City which specifically result from the special event. Extraordinary services result in measurable financial costs which are above and beyond the normal levels of public health and safety services on a non-event day. Extraordinary services will normally be those services requiring city employees to be specifically assigned to tasks in support of the special event and/or those services resulting in overtime pay or similar costs which result from the event. Examples of extraordinary services may include police protection, traffic control, fire monitoring, parks services, and other services necessary to ensure the protection of participants and citizens, the proper functioning of City services, and the proper administration of this ordinance. The City will make reasonable efforts to adjust the schedules of employees to minimize the requirement for overtime pay or other costs for extraordinary services where sufficient advanced notice of the event is provided.

"Multiple day event" means a special event that occurs on more than one day, where the days are consecutive or at a consistent interval, at the same start and end time and at the same location (e.g., an event occurring on a consecutive Saturday and Sunday from 9:00 am until 5:00 pm or an event occurring three Tuesdays in a row from 5:00 pm until 8:00 pm) One special event license will be issued for a multiple day event.

"Normal and ordinary use" means the way City property should normally and ordinarily be used. Whether an event is considered within the normal and ordinary use of the property is determined by the City department that maintains jurisdiction over the property.

"Special event" or "event" means a temporary gathering of people for a planned occurrence on City property such as, but not limited to, festivals, concerts, demonstrations, rallies, performances, parades and athletic events, which are not within the normal and ordinary use of that place or which, by the nature of the event, may have a greater impact on City services or resources than would have occurred had the event not taken place. A special event may also occur on private property if it will affect, impact or interfere with the normal and ordinary use of City property by the general public within the vicinity of the event and/or will require the use of extraordinary services. A special event may be a single day event or a multiple day event. The City Administrator or designee shall have the exclusive authority to determine whether or not a license is required for any particular event should there be a question about whether an event meets this definition. The following events are excluded from meeting the definition of being a special event:

1. Funeral processions;
2. Events organized solely by the City and where the City is the applicant;
3. Events which enter into a separate and specific agreement, which is approved by the Common Council, to hold the event pursuant to the terms of the individual agreement. The Council is authorized to modify the terms or requirements of this Ordinance within such an agreement, provided the modifications meet the spirit if not the letter of this Ordinance.
(2) LICENSE REQUIRED.

a. License Required. No person or entity acting as an event organizer shall set up for, hold, or conduct a special event within the municipal boundaries of the City of Baraboo without first obtaining a special event license.

b. License Submittal Date.

1. License requests are deemed submitted to the City when the City Clerk receives the application form, application fee and proof of insurance.

2. License requests must be submitted at least thirty (30) calendar days prior to the event for events involving a public right-of-way or if the applicant intends to request a waiver of costs for extraordinary services; for events not involving a public right-of-way or a requested waiver of costs, the license request must be submitted at least fourteen (14) calendar days prior to the event.

c. Application form. License requests must be submitted on an application form supplied by the City Clerk. The form must be complete and must contain a detailed map or diagram indicating the specific location and layout of the event. The map must also include any proposed street closures and the proposed route and direction of route, including all turns and the number of traffic lanes to be used, if applicable.

d. Application Fee. A license application fee shall be set by the Common Council and listed in the City’s Official Fee Schedule. The fee is due in full for a license request to be deemed submitted to the City. The application fee is non-refundable unless the application is denied because it is submitted late. Events sponsored entirely by a registered non-profit organization or government entity are exempt from paying an application fee.

e. Insurance. Applications must be accompanied by a certificate of insurance showing that the applicant is covered by general liability insurance by an insurance company licensed to do business in Wisconsin in the minimum amount of $300,000 for the injury or death of one person, $50,000 for property damage, and an aggregate of $1,000,000 coverage for the event. Additional insurance may be required depending on the nature of the event and as determined by the City, which will be communicated to applicant by the City Clerk at least ten (10) calendar days prior to the event. If additional insurance is required, the applicant must provide the City Clerk with a certificate of insurance in the required amounts at least five (5) calendar days prior to the event. All certificates of insurance must list the City of Baraboo as an additional insured.

f. Additional Licenses, Permits and Fees. The applicant is solely responsible for ensuring the event has all other necessary license, permits and variances prior to the event including, but not limited to, alcohol licenses, vendor permits, noise variances, etc.

g. Applicant Requirements. Applicants must be at least 18 years of age or older. If the applicant is a corporate or government entity, the application must be signed by an authorized agent of the entity. The applicant must agree to indemnify, defend and hold harmless the City of Baraboo as it pertains to the event.

h. Acceptance of Application. Applications not meeting the requirements of this ordinance shall be denied by the City Clerk.

i. Application Review. Applications are reviewed by employees from the following City departments: Administration, Finance (City Clerk), Fire, Parks, Recreation & Forestry, Police and Public Works. Each department will recommend either approving or denying the application. The City Clerk will issue the license only upon receiving a recommendation for approval from all departments. Each department must recommend approving or denying an application based on the information relevant to that department. A department’s decision to recommend approving or denying an application may be based on, but is not limited to, the following:

1. Use of department resources,
2. Costs to the department,
3. Any perceived public health or safety problems related to the department or jurisdiction covered by the department,
4. If the applicant has a history not complying with this ordinance, including past failures to pay the application fee or costs, and/or other applicable rules or regulations. If a recommendation for denial is made by a department, an explanation must be provided to the City Clerk which will then be provided to the applicant upon request of the applicant.
j. **Priority.** All license requests are accepted first come, first served. For purposes of determining the priority of an application, any amendment, or resubmittal of license application shall become the date the license request is submitted to the City Clerk.

k. **Waiver.** Some or all of the license requirements may be waived in cases where the United States Secret Service or other government entity notifies the City of a proposed event in which it will be assisting with security details. It will be at the discretion of the City Administrator which requirements will be waived.

(3) **SAFETY**

a. **Security.** All events must have at least one designated head of security who must, at minimum, be:
   1. 18 years of age or older,
   2. At the event for the duration of the event,
   3. Reachable by phone at all times during the event by the City, and
   4. Able to call 911 during the event.

b. **Additional Safety Features.** The Police, Fire or Public Works Department may require the applicant to have additional safety features at an event, in which case the City Clerk will let the applicant know what additional safety features the event will need at least seven (7) calendar days prior to the event. If the applicant declines to provide the additional security features, the application may be denied.

(4) **SET-UP AND CLEAN-UP**

a. **Set-Up.** Set-up for an event, including, but not limited to, dropping off supplies and erecting tents, shall not take place more than four (4) hours in advance of an event unless approval for earlier set-up has been granted by the department head or designee with jurisdiction over the location of the event.

b. **Markings.** No markings, including temporary markings, shall be allowed on City property for an event.

c. **Portable Toilets.** It is the responsibility of the applicant to ensure a reasonably adequate number of portable toilets are available during the event.

d. **Waste and Recycling Receptacles.** It is the responsibility of the applicant to ensure reasonably adequate number of waste and recycling receptacles are present during the event.

e. **Clean-Up.** It is the responsibility of the applicant to ensure the location of the event is left in the same condition it was in prior to the event. All clean-up efforts must be completed within four (4) hours after the conclusion of the event unless approval for additional clean-up time has been granted in writing by the Department with jurisdiction over the location of the event. During and following a special event, the applicant of the event shall be responsible for the cleanup of all streets, sidewalks and alleys within the area of the special event.

f. **ADA Compliance.** It is the responsibility of the applicant to ensure the event is ADA compliant to the extent legally required, and that all associated rules, ordinances, statutes and codes are complied with.

(5) **COSTS FOR EXTRAORDINARY SERVICES.**

a. **City Costs.** If an event will require extraordinary services, the City shall require that the applicant pay for the services if the costs to the City to provide the services exceeds $500.00. The City will make a reasonable effort to notify the applicant prior to the event if extraordinary services totaling over $500 will be provided by the City. The City may request a surety bond from the applicant for the amount of the anticipated costs. Failure of the applicant to provide the City with a surety bond upon request may result in the application being denied.

b. **For the estimated costs for the event exceed $500.00, the license for the event shall not be issued unless a bond to secure the payment of the estimated costs is filed with the City Clerk.**

   1. If the total costs for extraordinary services exceeds $500.00, an itemized statement of the costs shall be provided to the applicant within thirty (30) calendar days after the event, who shall pay such costs within thirty (30) calendar days.

   2. Within the thirty (30) calendar days of receipt of the statement of costs, the applicant may appeal the statement of costs to the Finance Committee, who shall determine the actual costs relating to the event.

c. **Waiver of Costs.** Costs may only be waived by the Finance Committee, who shall hear an applicant's request for waiver at its next regular meeting. If the
Finance Committee denies a request for the waiver of costs, that decision may be appealed to and heard by the Common Council with the recommendation of the Finance Committee being provided to the Council. A waiver of the payment requirement for all or part of the costs for extraordinary services shall be based upon a consideration of the following:

1. Whether the applicant is a tax exempt organization.
2. The total costs for the event.
3. Whether the event was sponsored by a unit of government.
4. Whether the event is protected speech under the First Amendment to the US Constitution.

(6) RESTRICTING USE OF PUBLIC RIGHT-OF-WAY. To encourage the integrity, comprehensiveness and success of a special event, the Public Safety Committee may suspend otherwise permissible uses of any public right-of-way, such as city street, alley, or sidewalk. Upon receipt of an application that contains a request to suspend otherwise permissible uses of a public right-of-way, the City Clerk shall immediately forward copies to the members of the Public Safety Committee, which shall convene to consider the application and give notice of the meeting to the applicant. Before granting an application for license that includes restricting permissible uses of a public right-of-way, the Public Safety Committee shall consider the recommendations made by the Police Chief, Fire Chief, Director of the City’s Public Works Department, and Street Superintendent and shall consider the risks to public safety based upon the following:

a. The location of the request for the restriction of permissible uses of the public right-of-way.
b. The duration of the request.
c. The time of day of the request.

The subject matter, ideology, opinion or perspective of the applicant shall not be considered in determining whether to grant a restriction of permissible uses of the public ways.

(7) EMERGENCY ACCESS. All events shall be conducted and maintained in a manner that will allow an emergency vehicle an unobstructed access lane at least 18 feet wide and continuous over the entire length of any street within the area where the event takes place.

(8) NO UNAUTHORIZED VENDING. During an event there shall be no vending in the area of the special event except vending permitted by the applicant. The applicant shall be responsible for ensuring that all authorized vendors are easily identifiable as such.

(9) DISCRIMINATION PROHIBITED. No applicant shall discriminate against any vendor, customer, event participant or other person by reason of race, color, creed, handicap, age, sex, religion, national origin, ancestry, marital status, or other form of discrimination prohibited by the laws of the State of Wisconsin or United State of America.

(10) TERMINATION OF LICENSE. A special event license may be terminated by City before or during the event if the health, safety and welfare of the general public appears to be endangered by activities generated as a result of the event or if the event is in violation of this section or of any of the conditions of the permit or regulations adopted by the Common Council resolution.

The City Administrator, Fire Chief, Police Chief or Director of the City’s Public Works Department shall have the authority to terminate the license.

(11) APPEALS. If an application is denied, the applicant may request the application be submitted to Common Council by way of the Public Safety Committee for review and a final determination of whether to grant the license. In deciding the appeal, the Public Safety Committee and Common Council may consider the following:

a. If the application was not fully completed and/or failed to include necessary attachments and/or contained a material falsehood or misrepresentation;
b. If the applicant asserts that he/she cannot or will not pay the application fee and/or that he/she cannot or will not pay the costs for extraordinary services and the
Common Council determines that the fee and/or costs are not waived;

c. If the applicant is not legally competent to sign the application or to be held responsible for his/her actions;

d. If the applicant has, on prior occasions, been required to pay for extraordinary services or damage to City property and has not paid in full for such services or damage;

e. If the event would conflict with previously planned events and programs or the unavailability of sufficient City resources for the proposed event;

f. If the event would present a grave or unreasonable danger to the health, safety or welfare of the persons expected to participate in the event, the area in which the event will occur, the community as a whole, or City property and resources required to be involved with the proposed event;

g. If the number of persons expected to participate in the event would result in a concentration of persons, vehicles, or things which cannot be supported at the requested time or location due to a lack of sufficient open area, streets, offsite parking, or traffic controls.

h. If activities reasonably expected to occur at the intended event are prohibited by law.

(11) COMPLIANCE. The applicant is responsible for ensuring that the event complies with this ordinance and all applicable laws and regulations including, but not limited to, statutes, ordinances, traffic rules, park rules, health laws, fire codes, and liquor licensing regulations. Any person who violates any provision of this ordinance shall, upon conviction, be subject to a penalty as provided for in §25.04 of this Code, in addition to being subject to any other applicable civil or criminal penalties.

12.05A LATE NIGHT MOBILE FOOD VENDING PERMIT (2409, 02/25/14)

(1) Permit Required. Any person operating, conducting or managing within the City a mobile food vending stand shall obtain a permit. A permit shall not be required for any private party, picnic, event or gathering where the general public is not invited, nor when such mobile food vending occurs entirely on private property.

(2) Definitions.

(a) A Mobile Food Vendor is an individual who offers for sale only personally prepared food for which that individual is regularly involved in all phases of both the production and the sale of the food. In addition, a food vendor may be a corporation, cooperative or partnership; however, the application and permit shall designate a primary individual who is all regularly involved in all phases of the production process and who are responsible for the vending operation.

(b) Personally Prepared Food. Personally prepared food is food or beverage produced by the vendor from raw or basic ingredients, changing the nature, form, shape or function. All food sold shall comply with State Health Regulations. In addition, the category ‘personally prepared food’ shall include the following:

1. Fruit sold by the piece or in individual-sized portions.

2. Condiments and other incidental ingredients given free with personally prepared food.

3. Coffee, tea, milk, and commercially produced beverages in containers not made of glass.

4. Hotdogs, bratwurst or other sausages, and commercially produced buns.

5. Ice cream bars and other pre-portioned frozen treats; soft serve or hard scooped ice cream served by the cone or dish.

(3) Areas of Operation. Late Night Mobile Food Vendor permittees may operate only within the area bounded by Broadway Street on the west, 5th Street/Avenue on the north, Ash Street on the east, and 2nd Street/Avenue on the south. If the permittee utilizes a vehicle or trailer from a street, operations may only occur in an area
which is marked for parallel parking of vehicles.

(4) Hours of Operation. A Late Night Mobile Food Vendor permittee may only operate between the hours of 9:00 PM and 3:00 AM. Vehicles, carts, trailers and other equipment may only be set up at a place of operation after 9:00 PM, and must be removed by 3:00 AM.

(5) A Late Night Mobile Food Vendor permit shall not be used during times when a Special Event Permit (§12.05, Ordinances) is in effect in the Areas of Operation and during Hours of Operation. Excavation and Openings Permits (§8.03, Ordinances) and Encroachments Permits (§8.04(2), Ordinances) shall supersede any permit issued pursuant to this section.

(6) No permit shall be issued for use of public right-of-way until satisfactory evidence is presented that the permittee has obtained general liability insurance coverage with an insurance company permitted by the State of Wisconsin naming the City as an additional insured in amounts not less than $1,000,000 for bodily and personal injury sustained by any one occurrence and $100,000 for property damage, and said insurance shall be primary insurance coverage for any damages to persons or property caused by reason of any accident or occurrence to any person or property arising from or growing out of the use of the encroachment permit. Such insurance coverage shall be maintained for so long as the permit is in effect.

(7) Each permittee shall furnish at its location of operation a garbage can not less than 30 gallons in size. Garbage shall not be allowed to accumulate as litter, and full garbage cans shall be emptied as needed throughout the hours of operation. No garbage shall be deposited in municipal waste containers by a permittee. Prior to leaving a site after operation, a permittee shall inspect and pick up all garbage, litter, refuse, and food within 50 feet.

(8) The exercise of a permit pursuant to this section shall be subject to the following restrictions and limitations:

(a) Noise levels emanating from the vending site shall be kept to a minimum, and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants, and customers. No sound amplification shall be allowed. Vendors utilizing an enclosed vending cart may use amplification inside an enclosed vending cart only, and any music or other audio shall be kept to a volume such that it cannot be heard outside of the cart beyond the first customer in line at the window or service area.

(b) All vending equipment, including carts, tables, apparatus and merchandise shall be removed from the streets, sidewalks, terrace area or other vending location during times when vending is prohibited.

(c) All equipment used at the vending site shall be in a clean, sanitary, hazard-free condition and maintained in a presentable appearance and in good repair, without noticeable holes or other structural defects. Visible exterior surfaces of all equipment shall be maintained so as to prevent chipping, cracking or other deterioration of the paint or exterior surface.

(d) A vendor shall be present within the vending site at all times during which items are displayed or sold; except that a vendor may leave his or her vending site unattended during lawful vending hours for a maximum of ten (10) minutes.

(e) Generators must operate at 60 decibels or lower when measured from the building front nearest to the permittee.

(f) No vendor shall drive or permit another to drive a motor vehicle upon any sidewalk area for the purpose of depositing vending carts or other equipment thereon. This prohibition does not apply to permanent or temporarily established driveways.

(g) No service from a truck or trailer shall be allowed onto the street side of the vehicle.

(h) A food cart located upon a sidewalk shall not be placed less than 5 feet from a building. A minimum 5 foot path for pedestrian traffic shall be maintained at all times, and the vendor shall manage its queue so
that pedestrian traffic on the sidewalk is not impeded.

(i) Seating for customers is not allowed.

(j) No moving or flashing lights are allowed.

(k) No alcohol shall be served.

(9) The fee for a Late Night Mobile Food Vending Permit shall be as set forth in the Official Fee Schedule.

12.06 AUTOMOBILE RACING LICENSE.

(1) LICENSE REQUIRED. No person shall sponsor or conduct an automobile race in the City without obtaining a license.

(2) APPLICATION. Application for a license shall be made on a form provided by the City Clerk and shall be accompanied by a certificate of insurance showing that the applicant is covered by liability insurance by an insurance company licensed to do business in Wisconsin in the amount of $300,000 for the injury or death of one person, $1,000,000 for any one accident and $50,000 for property damage.

(3) FEE. The fee shall be as set forth in the City’s Official Fee Schedule.

(4) GRANT OR DENIAL OF LICENSE BY COUNCIL. The application for a license shall be referred to the Council and, upon due deliberation, the Council shall grant or deny the license.

12.07 REGULATION AND LICENSING OF DIRECT SELLERS, TRANSIENT MERCHANTS AND SOLICITORS.

(1) DIRECT SALES AND SOLICITATIONS: The following rules shall apply to direct sales and solicitations within the City of Baraboo.

(2) DEFINITIONS.

(a) Direct Seller. Any individual who, for himself or for a partnership, association or corporation, sells goods or services or takes sales orders for the later delivery of goods or services at any location other than the permanent business place or residence of said individual, partnership, association or corporation and shall include, but not be limited to, peddlers, canvassers and transient merchants. The sale of goods and services includes donations requested or required by the direct seller for the retention of goods or services by a donor or prospective customer.

(b) Transient Merchant. Any person, whether as owner, agent, consignee or employee, who engages in a temporary business of selling and delivering goods, wares and merchandise within said City and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad box, car or boat, public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the City for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition shall not be construed to include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this section merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of, any local dealer, trader or auctioneer.

(c) Permanent Merchant. A direct seller or one representing a merchant who, for at least one year prior to the submission of an application pursuant to this section, has continuously operated an established place of business in this City or has continuously resided in this City and now does business from his residence.

(d) Goods. Personal property of any kind and includes goods provided incidental to services offered or sold.

(e) Solicitor. Any individual who, for himself or for any other person, organization, society, association or corporation, personally solicits money, property or financial assistance of any kind from persons other than members of such organization, society, association or corporation.
(f) Charitable Organization. Any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation for which there is provided proof of tax exempt status pursuant to §501(c)(3) or (4) of the United States Internal Revenue Code.

(3) EXEMPTIONS.

(a) The following shall be exempt from all provisions of this section:

1. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.
2. Any person selling goods at wholesale to dealers in such goods.
3. Any farmer or truck gardener selling agricultural products of the farm or garden occupied or cultivated by such person.
4. Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within the County and who delivers such goods in his regular course of business.
5. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis and in which the buyer has initiated contact with and specifically requested a home visit by said person.
6. Any person who has had, or represents a company which has had, a prior business transaction such as a prior sale or credit arrangement with a prospective customer.
7. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.

(b) Any person required to obtain a license as a pawnbroker, secondhand article dealer and/or secondhand jewelry dealer pursuant to §12.03 of this Code.

(4) REGULATION OF DIRECT SELLERS AND SOLICITORS – Prohibited Practices.

(a) A direct seller or solicitor shall be prohibited from:
1. Calling at any dwelling or other place between the hours of 9PM and 9AM, except by appointment.
2. Calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors," or words of similar meaning.
3. Calling at the rear door of any dwelling place.
4. Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

(b) A direct seller or solicitor shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods or services offered for sale, the purpose of his visit, his identity or the identity of the organization he represents.

(c) No direct seller or solicitor shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales or solicitations are made from vehicles, all traffic and parking regulations shall be observed. No direct seller or solicitor shall have any exclusive right to any location in the public streets. No direct seller or solicitor shall sell or solicit in any congested area or where the public will be impeded or inconvenienced. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(d) No direct seller or solicitor shall make any loud noises or use any sound amplifying device to attract customers or donors if the noise produced is capable of being plainly heard outside a three hundred foot radius of the source.
(e) No direct seller or solicitor shall allow rubbish or litter to accumulate in or around the area in which he is conducting business or making solicitations.

(5) REGULATION OF FARMERS AND TRUCK GARDENERS.

(a) Farmers' Market Established. The West side of Oak Street between 3rd Avenue and 4th Avenue and the first six parking spaces on the south side of 4th Avenue, lying immediately west of Oak Street, are hereby designated for use as a Farmers' Market between April 15th and October 31st of each year. Vendors shall parallel park motor vehicles along the south side of 4th Avenue designated for use as a Farmers' Market.

(b) Business Improvement District (BID) Board to Administer Farmers' Market. The BID Board is authorized to organize and operate the Farmers' Market. The BID Board may establish the hours of operation and the days and dates of operation. In order to offset the cost of administering the Farmers' Market, the BID Board may charge permit fees to any farmer who vends or sells at the Farmers' Market, provided that any products sold at the Farmers' Market shall be products of the farm or garden occupied and cultivated by the vending farmer. If a permit fee is charged, the fee shall be as set forth in the City's Official Fee Schedule per parking stall, per day.

(c) Generally. Farmers and truck gardeners selling their own produce shall remove their sale facility and produce at the end of each day's activities.

(d) Denial of Permit. Any person denied a permit by the BID Board may appeal such denial to the Baraboo Common Council and the decision of the Council shall be final.

12.08 HUNTING REGULATIONS AND PERMIT. (2295, 11/11/2008; 2412, 03/25/2014; 2434, 09/22/2015)

(1) Hunting with a firearm within the City of Baraboo shall be limited to parcels that have been approved for hunting by the Hunting Review Committee, consisting of the Chief of Police, Loss Prevention/Safety Coordinator, and the City Administrator or his designee, based upon an application that has been filed with the City Clerk by the parcel owner. No permit shall be required for bow or crossbow hunting provided that the restrictions of §9.03, Ordinances, and State law are complied with. The Committee shall approve or deny any parcel submitted for hunting approval, and may place restrictions upon hunting at the parcel, including but not limited to the type (shotgun, rifle) or caliber of weapon (.22 cal, 410 gauge, etc.) used for hunting. In determining whether to allow a parcel of land to be enrolled for hunting, and the restrictions to be placed upon the parcel, if any, the Chief of Police shall consider the following factors:

a. Hunting shall only be approved for parcels zoned Agricultural Transitional (A-1) or Agricultural Holding (A-2), or were acquired using DNR Stewardship funds and as required by §23.0916, Wisc. Stats.

b. The proximity of residential development, highways, parks, and other locations where people may congregate to the parcel;

c. The general topography of the parcel;

d. The size of the parcel; and

e. Such other factors as may be present for any particular parcel.

(2) A hunting permit issued by the City Clerk shall be valid only for the person to whom it is issued and for the specific parcel(s) as specified thereon. The City Clerk shall issue a permit for hunting in the City of Baraboo when the following conditions are met:

a. The applicant possesses a valid hunting license from the Wisconsin Department of Natural Resources and provides proof thereof;

b. The applicant provides a statement from the owner of the parcel granting permission for the hunting activity upon the parcel the applicant intends to hunt; and

c. The parcel intended for hunting has been approved by the Chief of Police and is registered for hunting with the City Clerk.
d. The hunting is conducted in accordance with all DNR rules as well as any restriction placed upon a parcel by the Chief of Police.

(3) “Parcel” when used in this section shall mean a whole “tax parcel,” namely a parcel that is particularly described by a single tax parcel number.

(4) The City Clerk shall maintain a map showing parcels enrolled for hunting, including any restrictions placed by the Chief of Police upon the parcels.

(5) A Permit issued pursuant to this section shall be valid for the calendar year of issue.

(6) By signing a statement granting permission for a parcel to be hunted upon, the owner of such parcel consents to the City’s agents walking and viewing the parcel. No parcel will be approved for hunting unless the City’s agent has personally viewed the parcel for which hunting is requested.

12.08A DOG PARK. (2341 07/13/2010)

(1) Use of the City of Baraboo’s dog park is restricted to properly licensed dogs accompanied by an owner or other responsible adult. Dogs in the park shall display on their collar a current metal tag license and metal tag proof of rabies vaccination. All dog feces shall be picked up and properly disposed of by the dog’s owner or responsible adult prior to the dog leaving the park.

(2) The fee for use of the dog park shall be paid prior to entering the park. Fees for the use of the dog park shall be established by the Common Council by fee schedule resolution.

(3) Any person violating this subsection shall be subject to forfeiture as provided in §25.04 of the City Code.

12.09 RECYCLING AND BASE METAL DEALERS LICENSE.

(1) LICENSE REQUIRED. No person shall engage in the business of buying, selling, gathering, delivering or storing old iron, brass, copper or other base metals, paper, rags or glass, any recyclable material unless no value is given therefore and all articles and things discarded as manufactured articles commonly referred to as "junk", without first obtaining a license from the Council. This license only pertains to the operation of collecting, disposing of, and temporarily storing recycling materials and base metals. A license issued pursuant to this section does not authorize or guarantee operation of a permanent business location in any particular zoning district, and the requirements of such zoning districts, and the conditional use permit process if applicable, must still be met.

(2) EXCEPTION. No license shall be required for the storage of wrecked motor vehicles stored within service garages and filling stations or on any service garage or filling station site as otherwise allowed by ordinance or zoning.

(3) APPLICATIONS. Applications for such license shall be made on forms supplied by the City Clerk and filed with the Clerk and shall be accompanied by the license fee. The City Clerk is authorized to issue a license pursuant to this section.

(4) LICENSE FEE. The license fee shall be as set forth in the City's Official Fee Schedule. The license year shall commence on January 1 of each year.

(5) RESTRICTIONS APPLICABLE TO JUNK DEALERS.

(a) No junk shall be displayed or stored outside the fenced area of the premises.

(b) No licensee shall conduct his business in such manner as to disturb unduly the peace and quiet of the neighborhood. The premises shall at all times be kept in a clean and wholesome condition and in full compliance with this section.

(c) Effective means for the elimination of the rodents and vermin commonly infesting junk yards shall be administered by all licensees hereunder.

(d) Every junk dealer shall keep a record of all copper, brass, guns, watches and other valuable materials purchased with the name and address of the person from whom purchased, the kind and quantity purchased, the serial number of the item purchased, and the date of the transaction. Such record shall be entered in a book that shall be open to inspection by police officers at any time.

(e) No junk shall be purchased from any person under 16 years of age without the written consent of the parent or guardian of such person.

(f) Mobile collection operations shall
only be conducted in the Highway Oriented Business zoning district (B-3), and Industrial zoning districts.

12.10 GARAGE, YARD AND RUMMAGE SALES REGULATED

(1) LICENSE REQUIRED. No person shall conduct a garage, yard or rummage sale within the City without having obtained a license from the City Clerk, except as provided in sub. (2) below. The license shall be obtained at least one working day before the sale and shall be prominently displayed during the sale. Before issuing the license, the Clerk shall refer the application to the Building Inspector for verification as to whether or not such sale at the proposed location is compatible with Ch. 17 of this Code.

(2) EXCEPTIONS TO LICENSE REQUIREMENTS. No person shall be required to obtain a license if:
   (a) The sale is conducted in a business district and is a permitted use in such district.
   (b) The person conducts, on his own residential premises, no more than 3 sales in any one calendar year. Each sale may be held for no more than three consecutive days and shall not be conducted between the hours of 7:00 P.M. and 7:00 A.M.
   (c) The sale is conducted by religious, educational, charitable or civic organizations on premises located in a residential district no more than three times in any calendar year. Each such sale may be conducted for not more than three consecutive days and shall not be conducted between the hours of 7:00 P.M. and 7:00 A.M.

(3) OWNERSHIP OF MERCHANDISE. All goods for sale at a garage, yard or rummage sale shall be household goods or personal possessions from the residence where the sale is being held or, in the case of a group sale, from the residences of the participating households. In no case shall any sales become outlets for wholesale or retail commercial sales.

(4) ADVERTISING SIGNS REGULATED. Signs advertising garage, yard or rummage sales shall be subject to the following:
   (a) Such signs may be free standing and shall not exceed 2 square feet in size.
   (b) Such signs may be located on tree banks if:
       1. The sign does not impede or obstruct pedestrian or vehicular traffic, and
       2. The explicit permission of the occupant of the property that adjoins the tree bank is obtained.
   (c) Such signs shall not be located on utility poles, signposts, traffic control devices, public trees or shrubs.
   (d) No more than three signs may be used for any sale and no more than one sign per yard shall be permitted, except that two signs shall be permitted on corner lots, one facing each street.
   (e) Such signs may be displayed only between 7:00 A.M. and 7:00 P.M. on the date of sale and shall be promptly removed by the owner of the property where the sale was held.

(5) LICENSE FEE. The license fee shall be as set forth in the City’s Official Fee Schedule.

(6) LENGTH OF SALE. Under no circumstances shall a garage, yard or rummage sale be held for more than three consecutive days or between the hours of 7:00 P.M. and 7:00 A.M.

12.11 TAXICABS

(1) DEFINITION. The term "taxicab," as used in this section, shall include all vehicles carrying passengers for hire for which public patronage is solicited, excepting vehicles which operate on established routes and are regulated by the Public Service Commission of Wisconsin.

(2) LICENSE REQUIRED. No person shall operate a taxicab within the City without a license obtained hereunder.

(3) APPLICATION. Application for a license hereunder shall be made to the City Clerk and shall be referred to the Council.

(4) LICENSE FEE & TERM. The license fee for a taxicab license shall be as set forth in the City’s Official Fee Schedule. The license term shall commence on January 1st and end on December 31st of each year.

(5) COUNCIL APPROVAL REQUIRED. Upon reviewing the application and after considering the adequacy of existing taxicab service and the need for any additional
service within the City, the Council shall grant or deny the license.

(6) APPROVAL OF FARES. The owner or driver of any taxicab shall not charge any passenger a higher or lower rate of fare than those filed with and approved by the Council for transporting such passenger from any point within the City to any other point within the City.

(7) INSPECTION OF VEHICLES. The brakes, horn, lights, steering system, exhaust system and tires of every taxicab shall be examined and tested as to sufficiency at least once every 6 months by a reputable garage keeper doing business in the City who shall furnish a certificate as to the examination of the vehicle and that said components are in good working order, which certificate shall be filed with the Chief of Police.

(8) INSURANCE. Before any license is issued, the applicant for a license hereunder shall deposit with his application a certificate of insurance coverage showing that each vehicle to be licensed is covered by public liability insurance by an insurance company licensed to do business in Wisconsin in the amount of $500,000 for injury or death to any one person in an accident involving such vehicle, $500,000 for any one accident and $100,000 property damage insurance. Any insurance policy hereunder shall contain a provision that the same shall not be cancelled before expiration of its term except upon 20 days written notice to the City. Cancellation or termination of such insurance shall automatically terminate all licenses issued hereunder unless another certificate of insurance shall be substituted.

(9) LICENSE ISSUANCE. Upon the granting of a license hereunder and upon compliance with the provisions of this section by the applicant, the City Clerk shall issue to the licensee a license which shall be displayed prominently in the taxicab for which it has been issued.

(10) LICENSES NOT TRANSFERABLE. No license issued hereunder shall be transferable from one licensee to another. Licenses may be transferred from one vehicle to another upon submitting to the Clerk proof of insurance and a certificate of inspection.

(11) NAME ON CABS. The business name of the owner or operator of the taxicab shall be printed on both sides and rear of each taxicab in letters at least 1½ inches in height in contrasting color at a point not lower than ½ the height of the taxicab.

(12) FARES TO BE POSTED IN TAXICAB. Each taxicab shall have a card printed in plain legible figures with the fares charged and posted in a conspicuous place inside the taxicab in plain sight of passengers.

(13) TAXI DRIVER REQUIREMENTS. No person shall operate a taxicab except the owner or his employee.

(14) SUSPENSION AND REVOCATION. Licenses granted under this section may be suspended or revoked at any time by the Council for any violation of the provisions of this section and also if the vehicle for which the license was issued is not of good appearance, clean and safe, or for conduct by the licensee or any person driving a vehicle under such license which is prejudicial to the public safety, welfare or good order of the City. A license suspended or revoked because the vehicle is not of good appearance, clean and safe shall not be reissued until the vehicle shall be put in good condition for use by the public to the satisfaction of the Council. When a taxicab license is revoked or suspended, as herein provided, the Clerk shall immediately notify the owner to cease operation of the vehicle as a taxicab for which the license has been revoked.

12.12 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS. (1747 07/05/94)

(1) STATE STATUTES ADOPTED BY REFERENCE. The provisions of §66.0435, Wis. Stats., are hereby adopted by reference. Comm. Ch. 27, Adm. Ch. 65, ATCP Ch. 125, as now existing or as hereafter amended, is hereby adopted by reference except that such regulations shall not be deemed to modify or amend any requirement of this section or this Code.

(2) DEFINITIONS. For the purposes of this section:

(a) Manufactured Home (Type 1). See Ch. 17 of this Code.

(b) Mobile Home. A transportable, factory built home, designed to be used as a year around residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. A mobile home may also be a unit which is, or
was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used.

(c) M.H. These initials shall stand for and mean "Manufactured Home (Type 1)."

(3) MANUFACTURED HOME DIFFERENT FROM MOBILE HOME. It is the intent of this section to recognize an M.H. as distinct and different from units designated as mobile homes and to prohibit homes not meeting the requirements of a M.H. from being placed in a M.H. park in the City.

(4) PARKING OUTSIDE LICENSED MANUFACTURED HOME PARKS. No person shall park, locate or place any M.H. outside of a licensed M.H. park in the City, except unoccupied M.H.s may be parked on the lawfully situated premises of a licensed M.H. dealer for the purposes of sale display, or the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs. This subsection is not intended to restrict the location of one or two family manufactured homes (Type 1) which meet the definition of a "Dwelling" as defined in Ch. 17 of this Code and which further complies with the One and Two Family Uniform Dwelling Code or the Manufactured Building Code set forth in Ch. 14 of this Code and the requirements of Ch. 17 of this Code.

(5) MONTHLY PARKING PERMIT FEES. There is imposed on each nonexempt M.H. or Mobile Home located in the City, a parking permit fee, such amount to be determined in accordance with §66.0435, Wis. Stats. The fees shall be paid to the City Treasurer on or before the 10th day of the month following the month for which they are due. It shall be the responsibility of the licensee of a M.H. park to collect such fees from each nonexempt M.H. or Mobile Home therein and to remit such fees to the Treasurer. The Licensee shall be liable to the City for any default in payment of the monthly parking permit fee by any M.H. or Mobile Home owner and each Licensee shall guaranty payment of all monthly parking permit fees for his/her M.H. Park. Occupants of nonexempt, non-conforming M.H. or a Mobile Home located outside of a M.H. park shall remit monthly parking permit fees directly to the Clerk.

(6) PERMIT APPLICATION REQUIREMENTS.

(a) Permit Required. No person shall construct, alter, modify or extend any M.H. park within the limits of the City without first securing a M.H. park permit from the City. Such permits shall be issued by the City Clerk upon approval by the Common Council after considering the report and recommendation of the Plan Commission.

(b) Inspection. Applications for M.H. park permits shall be filed with the City Clerk with sufficient copies for the Clerk to forward one (1) to each of the following officials: City Administrator, City Engineer, Utility Superintendent, Street Superintendent, Building Inspector, and Fire Chief, who shall, within sixty (60) days, investigate and review said application to determine whether the applicant, the premises on which said park will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances and laws of the State and City and report their findings in writing to the Plan Commission and Common Council. Such reports shall be considered by the Plan Commission and Common Council before any permit is issued hereunder. Failure of any officer or body to report within the allotted time shall be deemed a favorable recommendation. The Plan Commission shall make a recommendation and report to the Council on all such permits. The City Clerk shall also forward a copy of the application to the City Administrator and City Engineer. (2033 11/14/2000)

(c) Permit Fee. Applications for an M.H.'s park permit shall be accompanied by a fee as set forth in the City's Official Fee Schedule to cover the cost of investigation and processing, plus regular building permit fees for all buildings or structures to be erected within the proposed park.

(d) Application Forms. Applications shall be made on forms furnished by the City Clerk and shall include the following information:
1. Name and address of applicant(s) and owner(s) of proposed park site. If fee simple title to the property is vested in any person other than the applicant, the nature of the applicant's title shall be stated on the application form, and the City shall be provided with written authorization signed by the property owner stating that the applicant is authorized to construct and maintain an M.H. park on the premises and to apply for an M.H. park permit.

2. Location and legal description of the proposed park, addition, modification or extension.

3. A complete plot plan showing compliance with all applicable provisions of this section, specifically subsections (7) and (9).

4. Completed preliminary engineering plans and specifications, including a scale drawing of the proposed park showing, but not limited to, the following:
   a. Plans and specifications for all utilities, including: sewerage connection and disposal, storm water drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and cable communications and television antenna systems.
   b. Location and width of roadways and walkways, buffer strips, parking areas, recreational and other common areas.
   c. The location of M.H. plat forms with each M.H. space, including a detailed sketch of at least one (1) typical M.H. space and stand therein.
   d. Landscape plan showing all plantings, signs and fences.
   e. Plans, specifications and location of all park buildings and structures.
   f. Satisfaction of all zoning district requirements. See Ch. 17 of this Code.
   g. Conditional use requirements. See Ch. 17 of this Code.

5. Written statements describing proposed park operations, management and maintenance, including proposed fees and charges and other requirements to be imposed on park occupants by the park operator.

(c) Final Plans. Final engineering plans and specifications showing compliance with the provisions of this Section, the zoning regulations and any modifications or conditions imposed by the Plan Commission and/or the Council. Such final plans shall be submitted to the City Clerk and checked by the proper municipal officials for compliance before the park is approved.

(7) SITE PLANNING FOR MOBILE HOME PARKS. The following guidelines, standards and requirements shall apply in site planning for M.H. parks:

(a) Street Layout. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the park shall have direct vehicular access to a street bordering the development.
(b) **Pedestrians and Cyclists.** Access for pedestrians and cyclists entering or leaving the park shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safety located, marked and controlled and where such ways are exposed to substantial vehicular traffic at the edges of a park, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.

(c) **Intersections.** At intersections of any streets, public or private, the provisions of Ch. 8 regulating obstruction of view shall apply and is hereby adopted by reference. Where there is a pedestrian or bicycle access from within the park to a street at its edges by paths or across yards or other open space without a barrier to prevent access to the street, no material impediment to visibility more than two and five-tenths (2.5) feet above ground level shall be created or maintained within twenty-five (25) feet of said street unless at least twenty-five (25) feet from said access measured at right angles to the path.

(d) **General Layout of Park.** The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, recreational areas, facilities, streets, parking and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:

1. Streets, drives and parking and service areas shall provide safe and convenient access to M.H.s and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the park into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site, and the convenience and safety of the occupants. If the park has only one point of ingress or egress to the park for outside traffic, then an emergency entrance and exit shall also be provided.

2. Vehicular access to streets from off-street parking areas may be direct from units if the street or portion of the street serves fifty (50) units or less. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than fifty (50) units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.

3. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, recreational areas, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between each M.H. and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred (100) feet.

4. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops, recreational areas, or other destinations shall be so located and safeguarded as to minimize contacts with normal automotive traffic. If an internal walkway system is provided, away from streets, bicycle paths may be incorporated in the walkway system. Street crossings shall be held to a minimum on such
walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed, and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

(c) Dedication and Reservation of Lands. The dedication and reservation of land for parks, recreation areas, and other public purposes, and the payment of the park fee in lieu of dedication required and regulated by Subch. VI, §17.83 of the Zoning Code, shall apply to a manufactured home park subject to this section. (2144 03/09/04)

(8) LICENSING OF M.H. PARKS.

(a) Park License Required. No person shall establish or operate within the City a M.H. park or Mobile Home Park without having first secured a license therefore from the City Clerk. Park licenses shall be issued as of January 1 for a calendar year and shall expire on December 31st next succeeding the date of issue. Licenses may be issued after January 1st of any year but no reduction of the license fee shall be made for partial year operation. The fee for a park license shall be: $2.00 for each M.H. lot or Mobile Home lot but not less than $25.00 for an entire park. A license shall not be transferred from one property owner to another without payment of a new license fee. License applications shall be filed with the City Clerk at least 30 days, but not more than 60 days, before the beginning of the license term. (1790 03/14/95)

(b) License Application. The application for a license or a renewal thereof shall include the following information:

1. Name and address of applicant(s) and owner(s) of park site. If fee simple title in any portion of a park is vested in any person other than the applicant, written authorization signed by the property owner must be furnished stating that the applicant is authorized to operate and maintain the park and to make application for a M.H. licensee therefor.

2. Legal description of the property upon which the park is located.

3. Any modifications or changes proposed to be made in or to the park during the license year and any modifications or changes made in or to the park in the previous license year and which were not reported on the prior year's license application form.

4. Such other information as shall be required by the City Administrator, City Engineer, Street Superintendent, Utility Superintendent, Building Inspector, or Fire Chief. (2033 11/14/2000)

(c) Inspection. No park license shall be issued until the City Clerk shall notify the Chief of Police, City Health Officer, Fire Chief, Utility Superintendent, Street Superintendent, and Building Inspector of such application and these officials shall inspect, or cause to be inspected, the application and the premises to determine whether the applicant and the premises on which an M.H. will be located comply with this Code, the State Administrative Rules, and the state and local ordinances applicable thereto. These officials shall furnish to the Council, in writing, the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for which the officer is certified. No license shall be renewed without a re-inspection of the premises. For the purpose of making inspections and securing enforcement, such officials, or their authorized agents, may enter on any premises on which an M. H. or Mobile Home is located, or is proposed to be located, and inspect the same and all accommodations
connected therewith at any reasonable time. The failure of any officer to complete his/her inspection in a timely manner shall be deemed a favorable recommendation. (2033 11/14/2000)

(d) Withholding License. The Common Council may withhold the issuance of any park license until the park operator satisfies the Council that all monthly parking permit fees due the City have been paid and that the park fully complies with all the requirements of this section and the applicable state statutes and administrative regulations and with the other provisions of this Code.

(9) MINIMUM REQUIREMENTS FOR ALL M.H. PARKS, ADDITIONS OR EXTENSIONS. All M.H. parks and all modifications, additions or extensions to existing M.H. parks or mobile home parks shall comply with the following minimum requirements:

(a) City Water and Sanitary Sewerage Required. No M.H. park shall be laid out, constructed or operated without City water service and sanitary sewer service. All water or sanitary sewerage facilities in any M.H. or Mobile Home not connected with public water or sewer systems by approved pipe connections shall be sealed and its use is hereby declared unlawful.

(b) Water Service. Individual valved water service connections shall be provided for direct use of each unit, so constructed and installed that it will not be damaged by frost or parking of the unit. Water systems shall be adequate to provide pure, potable water supply of six (6) gallons per minute at a minimum pressure of twenty (20) psi and capable of furnishing a minimum of one hundred fifty (150) gallons per unit per day. Fire hydrants shall be installed within five hundred (500) feet of every M.H. site and park building or at such other distance authorized in writing by the Fire Chief on the face of the Park Plan filed with the City.

(c) Sanitary Sewerage Service. All liquid wastes originating at units, service or other buildings shall be discharged into a sewerage system extended from and connected with the public sewerage system. Such systems shall comply with all provisions of the State Code and City Ordinances relating to plumbing and sanitation. Each individual M.H. space shall be provided with a three (3) inch watertight sewer connection protected from damage by heaving and thawing or parking of the M.H. and located within the rear one third (1/3) of the site, with a continuous grade which is not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free. Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the City.

(d) Underground Utilities. All television cable systems, electrical and telephone distribution lines and oil or gas piping serving the park or spaces therein shall be installed underground. Distribution systems shall be new and all parts and installations shall comply with all applicable federal, state and local codes.

(e) Electrical Service. Each M.H. space shall be provided with a weatherproof electrical over current protection device, disconnect means and branch service of not less than 100 amperes for two hundred twenty (220) volt service located adjacent to the water and sewerage outlets. Receptacles shall be of the four (4) pole four (4) wire grounding type and have a four (4) prong attachment for 110-120 volts.

(f) Off-Street Parking. A minimum of two (2) off-street parking spaces surfaced with bituminous or concrete or other approved similar material capable of carrying a wheel load of four thousand (4,000) pounds shall be provided for each M.H. space.

(g) Drainage Plan. Conditions of soil, ground water level drainage and topography shall not create hazards to the property of occupants of M.H. spaces or to be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion of the park subject to unpredictable and/or sudden flooding or erosion shall be used for any purpose which would expose...
persons or property within or without the park to hazards. The ground surface in all parts of every M.H. park shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner. Curb and gutter may be required in order to provide a suitable drainage plan.

(b) Ground Cover. Exposed ground surfaces in all parts of every M.H. park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

(i) Lighting. All parks shall be furnished with lighting so spaced and equipped with luminaries placed at such heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

1. All parts of each park street: a minimum of 0.1 footcandles.
2. Potentially hazardous locations, such as major park street intersections and steps or stepped ramps, individually illuminated, with a minimum of 0.3 footcandles.

(j) Streets. All M.H. spaces shall abut upon a street. All streets shall be provided with a smooth surface, paved with bituminous or concrete or other approved similar material and which shall be well drained under normal use and weather conditions for the area. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Grades of streets shall be sufficient to insure adequate surface drainage but not more than eight percent (8%), provided a maximum grade of twelve percent (12%) may be used if approved by the City Engineer, as safe and designed to avoid traffic hazards. Streets shall be at approximately right angles within one hundred (100) feet of an inter-section. Intersections of more than two (2) streets at one (1) point shall not be allowed. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersecting streets.

(k) Sidewalks. All parks shall be provided with pedestrian walks paved with bituminous or concrete or other approved similar material between individual M.H. sites, park streets, recreational areas and community facilities. Grade and surfacing of walks shall be approved by the City Engineer as safe and comparable to sidewalks in other areas of the City subject to similar usage.

(l) Buffer Area. All M.H. Parks shall have a green belt or buffer strip not less than the permitted minimum width as measured at right angles along all boundaries of the park including exterior boundaries adjoining a public street. Plant materials of such variety and growth habits as to provide a year round, effective visual screen when viewed from each boundary shall be planted in the buffer strip, except where the adjoining property is also a Manufactured Home Park. Compliance with this requirement shall be made within two years from the granting of the M.H. Park permit. The portion of the buffer strip facing any adjoining property shall be attractively maintained. Permanent planting shall be grown and maintained at a height of not less than six feet. Fencing may be used in lieu of planting materials to provide said screening. The fencing shall be of such material as to effectively screen the park area and the fencing materials shall be approved by the Plan Commission. Fencing shall conform with City and State fencing laws. The buffer strip shall not be devoted to or used for the parking of vehicles, accessory uses, recreational areas or parks, the storage of any equipment or material, or as a sidewalk, street or driveway or for any purpose other than as an attractively maintained green belt screening area or planting requirements in a buffer area may be modified by the Plan Commission if it finds that the exterior architectural appeal and functional plan of the M.H. Park, when completed, will be materially enhanced by modification of such screening requirements.

(m) Signs. No signs shall be erected in M.H. parks except non-illuminated signs pertaining to the lease, hire or
sale of an individual M.H. not more than two (2) square feet in area and one (1) M.H. park identification sign not more than fifty (50) square feet in area at each park entrance.

(n) **Recreational Areas.** No less than ten percent (10%) of the total area of any M.H. park established under these regulations shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings and play areas for small children. Common recreational areas shall not include streets or parking areas, shall be closed to vehicle traffic, except emergency and service vehicles, and traffic hazards, and shall be improved, maintained and equipped for the uses intended. All recreation areas shall be easily accessible to all park residents. No single recreation area shall contain less than two thousand five hundred (2,500) sq. square feet and be a minimum of 40 feet wide.

(o) **Dilapidated M.H.** Wrecked, damaged or dilapidated M.H. shall not be kept or stored in a M.H. park. The Building Inspector shall determine if a M.H. is damaged or dilapidated to a point which makes it unfit for human occupancy. Such M.H. are hereby declared to be a public nuisance. Whenever the Building Inspector or Common Council so determines, it shall notify the licensee and owner of the M.H. in writing that such public nuisance exists within the park or on lands owned by him/her giving him/her the findings upon which such determination is based and shall order such home removed from the park or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than thirty (30) days. City Codes pertaining to the regulation of a public nuisance shall apply to M.H. parks in the City.

(p) **Authority to Inspect Parks.** The City Health Officer, Building Inspector, City Engineer, Street Superintendent, Utility Superintendent, Police Chief, Fire Chief or their lawful agents or employees are authorized and directed to inspect M.H. parks at any reasonable time but not less than once in every twelve (12) month period to determine the health, safety and welfare of the occupants of the park and inhabitants of the City as affected thereby and the compliance of the operation, structures and activities therein with this section and all other applicable laws and regulations of the State and Ordinances of the City.

(q) **Burning.** Burning in M.H. shall comply with Ch. 9 of this Code.

(r) **Skirting.** Each M.H. shall be skirted unless the home is placed within one (1) foot vertically of the stand with soil or other suitable material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards. Storage under M.H.’s is prohibited.

(s) **Plumbing, Electrical, Building Codes Applicable.** All plumbing, electrical, building and other work in, on or at any M.H. park shall be in accordance with the Ordinances of the City and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Board of Health. Licenses and permits granted under this Section grant no right to erect or repair any structure, to do any plumbing work, or to do any electric work.

(t) **Numbering of M.H.** All M.H. shall be numbered in the same manner as set forth in Ch. 8 of this Code utilizing a numbering plan approved by the Fire Chief and Police Chief.

(u) **Fire Protection.** The park shall be maintained free of litter, rubbish and other flammable materials. The park shall provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Chief and such extinguishers shall be maintained in good operating condition. Every area within the park designated as a fire lane by the Fire Chief shall be kept free and clear of obstructions.

(v) **Garbage Containers.** Every M.H. home site shall be furnished with, and have in operation, one or more substantial, fly-tight, watertight, rodent proof container for the deposit of garbage and refuse in
accordance with the Ordinances of the City and the regulations of the Street Superintendent and City Health Officer. Stands shall be provided for all refuse and garbage containers and each stand shall be designed to prevent tipping and minimize spillage and container deterioration and facilitate cleaning. (2033 11/14/2000)

(w) Park Dumpsters. Each park shall place and maintain fly-tight, watertight, rodent proof refuse dumpsters of sufficient size and numbers and conveniently located and easily accessible to each M.H. site. The park shall provide for the sanitary and safe pick-up, removal and disposal of all refuse and garbage in a sanitary manner at least twice weekly between May 1 and October 15, and at least weekly at all other times. Each garbage pickup site shall be attractively maintained and shall be surrounded with fencing of such material which will effectively screen the site and prevent paper and debris from being blown or spread about, and will be reasonably inaccessible to animals. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the Ordinances and regulations of the City, including regulations promulgated by the Health Officer, Fire Chief, and Street Superintendent. (2033 11/14/2000)

(x) Park Recycling. Each park shall provide and maintain recycling pickup sites conveniently located and easily accessible to each M.H. site. The park shall provide and maintain receptacles of sufficient size and numbers at each site to allow the collection and separation of recyclables and shall provide for sanitary and safe pickup, removal and disposal of all recyclables at least weekly. Each recycling pickup site shall be attractively maintained and shall be surrounded with fencing of such material which will effectively screen the site and prevent paper and debris from being blown or spread about, and will be reasonably inaccessible to animals. The collection, removal and disposal of recyclables from each M.H. Park shall be in accordance with the laws and regulations of the State of Wisconsin and the ordinances of the City, including regulations promulgated by the Street Superintendent. (2033 11/14/2000)

(y) Special Conditions Established by Plan Commission. Any specific conditions established by the Plan Commission pursuant to the granting of a conditional use permit for an M.H. Park shall be deemed a specific minimum requirement for the operation of the park to which such condition applies.

(z) Zoning District Requirements. Each park shall comply with all the requirements applicable to Manufactured Home (Type 1) Park Districts, Ch. 17 of this Code.

(10) BUILDING PERMIT REQUIREMENTS. No person shall construct, alter or add to any M.H., structure, attachment or building in an M.H. park or on an M.H. space without a permit from the Building Inspector. This subsection shall apply to decks and carports. Construction on, or in addition to the exterior of an M.H., shall be of the same type of construction and materials as the M.H. affected. This Subsection shall not apply to addition of awnings, antennas or skirting to M.H.

(11) NON-CONFORMING PARKS. M.H. parks or Mobile Home parks in existence and operating under a valid M.H. park license or Mobile Home park license on the effective date of this Section shall be exempt from the requirements hereof relating to density and site plan provided such use and occupancy complies with the applicable laws and ordinances in effect at the time of issuance of the original license. Each such licensee of a non-conforming park shall file an application for an M.H. park nonconforming use permit and the non-conforming permit shall specify those requirements of this section that shall apply to the non-conforming park. An existing M.H. park shall not increase its density without complying in all respects with this section and Ch. 17 of this Code. Existing parks shall be operated in other respects in accordance with this §12.12. All extensions, modifications or additions to lawfully licensed existing parks or facilities or structures therein shall comply with this section and Ch. 17 of this Code. Each mobile home or manufactured home (type 1) existing within a lawful non-conforming mobile home park or manufactured home park shall be deemed a separate non-conforming structure and non-conforming use and each such non-conforming mobile home or manufactured home (type 1) shall be subject to the provisions of Ch. 7 of this
(12) SURETY BOND. Each applicant for an original or renewal license shall file with the City Clerk a bond in the sum of One Thousand Dollars ($1,000.00) for each Fifty (50) mobile home spaces or fraction thereof guaranteeing the collection by the licensee of the monthly parking permit fees as provided in subsection (5) of this Code and the compliance of licensee and the park management with the provisions of this section and §13 hereof. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereof by any person who may be injured or damaged by reason of the licensee violating any provision of this section.

(13) ADDITIONAL RESPONSIBILITIES AND DUTIES OF PARK OPERATOR.

(a) Park Office. Every M.H. home park shall maintain in the park an office of the attendant or person in charge. A copy of the current park license issued by the City shall be posted therein and the park register shall at all times be kept in said office.

(b) Information to be Furnished to City. Every park licensee shall operate the park in compliance with this section, with Ch. 17 of this Code, and with the regulations and ordinances of the City and with State laws and regulations and shall operate the park in compliance with the following:

1. Maintain a register of all park occupants, to be open at all times to inspection by state, federal and City officers, which shall show:
   a. Names and addresses of all owners and occupants of each M.H.
   b. Number of children of school age.
   c. State of legal residence of each occupant.
   d. Dates of entrance and departure of each M.H.
   e. Make, model year, serial number or license number, and manufacturer of each M.H.

2. Furnish information to the Treasurer and Assessor on each M.H. added to their park within 5 days after its arrival. This information shall be supplied on forms furnished by the Treasurer. Any licensee who fails to comply with this reporting requirement in a timely manner shall, upon conviction, be subject to a penalty as provided in §25.04 of this Code, except the forfeiture, exclusive of costs and assessments, shall not exceed $25.00. Each failure to report shall be regarded as a separate offense.

3. Notify park occupants of the provisions of this section and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this section or any other violations of law that may come to their attention.

4. Report to the City Health Officer all cases of persons or animals affected or suspected of being affected with any dangerous communicable disease.

5. Supervise the placement of each M.H. on its stand including securing of its stability and the installing of all utility connections and tie downs as required by this Code.

6. Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris that may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

7. Maintain the park free from growth of noxious weeds.

8. Allow inspections of park premises and facilities at
reasonable times by municipal officials or their agents or employees.

(14) ADDITIONAL RESPONSIBILITIES AND DUTIES OF PARK OCCUPANTS.

(a) General Compliance with Codes. Park occupants shall comply with all applicable requirements of this section and other applicable City Codes, and shall maintain their M.H. space, its facilities and equipment in good repair and in a clean and sanitary condition.

(b) Proper Placement of M.H. Park occupants shall be responsible for proper placement of their M.H. on the M.H. stand and the proper installation of all utility connections in accordance with the instructions of the park management and this Code.

(c) Parking Fee Payment. Each owner or occupant of a nonexempt M.H. within a M.H. park shall remit to the licensee or authorized park management the monthly parking permit fee required by this Code.

(d) Allow Access. It shall be the duty of every occupant of a park to give the park licensee or management, or his/her agent or employee, access to any part of such park or M.H. premises at reasonable times for the purpose of maintaining such repairs or alterations as are necessary to effect compliance with this section or any law or Ordinance of the State of Wisconsin relating to M.H. or mobile home parks and their operation.

(e) Home Occupation. No M.H. owner or occupant shall conduct in any M.H. or in any M.H. park any business or engage in any other activity which would not be permitted in a Residential-2 District (R-2) in the City.

(f) Unlawful Discharge of Wastewater. No person shall discharge any wastewater on the surface of the ground within any M.H. park.

(g) Unlawful Occupancy of Site. No person shall erect or place upon any M.H. space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any M.H. unit except as specifically authorized by this Section.

(15) VIOLATIONS AND PENALTY.

(a) Operation with Valid License. It shall be unlawful for any person to establish, operate, maintain or administer or permit to be established, operated or maintained upon any property owned, leased or controlled by him/her an M.H. park within the City without a valid, unexpired M.H. park license issued by the City Clerk and approved by the Common Council.

(b) Revocation or Suspension of License. Licenses granted under this Section shall be subject to revocation or suspension by the Common Council for cause in accordance with §66.058(2), Wis. Stats., and the procedures in that Section shall be followed. "Cause" as used in this Subsection shall include, but not be limited to, the following:

1. Failure or neglect to abide by any of the requirements of this Section or the laws or regulations of the State of Wisconsin relating to M.H. or mobile home parks and their operation.

2. Conviction of any offense under the laws of the State or Ordinances of the City relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes or M.H.'s or the leasing or rental of M.H. spaces or the sale, lease or operation of park facilities.

3. Operation or maintenance of the park in a manner that adversely affects health, safety or welfare of park occupants or the inhabitants of the City, including, but not limited to, repeated violations of laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals or nuisances.

4. Transfer or sale of an ownership interest in any M.H. space or the underlying land other than to another
eligible licensee. Such action shall also subject the owner of the underlying land to all the requirements of the state or municipal subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.

5. Failure or neglect to comply with any conditional use or non-conforming use permit requirements established by the City for the Park as a condition of the granting of a conditional use permit for a Park or as a condition of the granting of a non-conforming permit for a park.

(c) **Penalty.** Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of, any of the provisions of this section shall be subject to a penalty as provided in §25.04 of this Code. Every day a violation occurs shall constitute a separate offense.

(d) **Injunction.** Any park, M.H., mobile home, building, or accessory structure hereafter erected, enlarged, altered, repaired, or moved, or any use hereafter established, in violation of the provisions of this section shall be deemed unlawful. The Building Inspector shall promptly report all such violations to the City Attorney who shall be authorized to bring an action to enjoin the erection, enlargement, alteration, repair, moving or use thereof, or to cause such violation to be removed and such violations shall also be subject to a penalty as provided in §25.04 of this Code. In any such action, the fact that a permit was issued by the Building Inspector shall not constitute a defense. Compliance with the provisions of this section may also be enforced by an injunction order at the suit of the owner or owners of any real estate within the City.

### 12.13 REGULATION AND LICENSING OF ANIMALS. (2072 01/22/2002)

(1) **STATE LAWS ADOPTED.** Except as otherwise specifically provided in this §12.13, the statutory provisions in Ch. 173, Wis. Stats., describing and defining regulations with respect to animals and humane officers and the statutory provisions in §95.21, Wis. Stats., describing and defining regulations with respect to rabies control are hereby adopted by reference and made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made a part of this section.” (2082 04/15/2002)

(2) **APPOINTMENT, JURISDICTION, AND POWERS OF HUMANE OFFICER.** The Chief of Police shall be authorized to appoint one or more Humane Officers pursuant to §173.03(1), Wis. Stats.

(a) Pursuant to §173.03(2), Wis. Stats., the City Administrator, or in his/her absence, the City Engineer, is designated as an official who may modify or withdraw abatement orders issued under §173.11, Wis. Stats., by a Humane Officer.

(b) Each appointed Humane Officer shall carry out his or her duties within the boundaries of the City. In addition, the Humane Officer appointed by the County of Sauk shall have jurisdiction within the boundaries of the City as provided by Ch. 173, Wis. Stats.

(c) A Humane Officer shall have the powers and duties as set forth in §173.07, Wis. Stats.

(3) **LICENSE REQUIRED.** It shall be unlawful for any person in the City to own, harbor or keep any cat more than 5 months of age without complying with the provisions of this chapter, or to own, harbor or keep any dog more than 5 months of age without complying with the provisions of this chapter and §§ 174.05 through 174.09, Wis. Stats., relating to the listing, licensing and tagging of same.

(4) **LICENSE FEES.** The license fee for dogs and cats shall be the fee required by the City’s Official Fee Schedule, Chapter 1, Subch. IV. (1923 11/11/97, 2040 12/19/00)

The license year shall commence on January 1 and end on December 31. Persons applying for a license during the license year shall be required to pay 50% of the fee stipulated in this subsection if the
dog or cat becomes five months of age after July 1 of the licensing year.

(5) LATE FEES. The City Clerk shall assess and collect a late fee as set forth in the City’s Official Fee Schedule from every owner of a cat or dog 5 months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable cat or dog, or if the owner failed to obtain a license before the cat or dog reached a licensable age.

(6) KENNEL LICENSE OPTION. The owners of kennels may opt to pay a kennel license fee as set forth in the City’s Official Fee Schedule for a kennel in lieu of the fees provided in sub. (4) above and the City Treasurer shall issue tags for each dog or cat owned by the kennel owners. No kennel may be located in a residential district and each kennel location shall be subject to applicable zoning and other City conditions and regulations. Kennel operators must have all dogs vaccinated for rabies. (1923 11/11/97)

(7) RABIES VACCINATION REQUIRED. It shall be unlawful for any person to keep a dog in the City which is over 5 months of age and has not received a rabies vaccination as required by §95.21, Wis. Stats., or to keep a cat in the City which is over 5 months of age and has not received a rabies vaccination. No dog or cat license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs and cats at all times, except as provided in §95.21, Wis. Stats.

(8) DEFINITIONS. In this section, unless the context of subject matter otherwise require, the terms used shall be defined as follows:

(a) Adult Dog. A dog over five months of age.
(b) Animal. Any live vertebrate or invertebrate creature, either domestic or wild.
(c) Animal Shelter. Any facility operated by the Sauk County Humane Society for the purpose of impounding and caring for animals held under the authority of this ordinance, Sauk County ordinances, and/or State law.
(d) At Large. This term shall be defined as set forth in §9.09(1) of this Code. (2092 09/10/02)
(e) Confined. Restriction of an animal at all times by the owner or his/her agent to an escape-proof building or other enclosure.
(f) Domestic Animal. Any animal that normally can be considered tame and converted to home life.
(g) Household. One or more persons residing in a single-family dwelling unit.
(h) Humane Officer. Any person designated by the Police Chief or County of Sauk pursuant to Subs. (2) above to enforce City Ordinances and State Statutes adopted by reference as they pertain to animal regulations and control.
(i) Kennel. Any premise where a person owns or engages in the business, service, or hobby of boarding, breeding, buying, selling, letting for hire or trading, more than 12 adult dogs per year solely on one premise or a combination of premises. The breeding or selling of more than one litter, per owner or business, per premise per year.
(j) Owner. Any person owning, harboring, possessing, maintaining, or keeping a dog, cat, or vicious animal and the occupant of any premises on which the dog, cat, or vicious animal remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog, cat, or vicious animal within the meaning of this section. A dog, cat, or vicious animal shall also be deemed to be harbored if it is fed and sheltered.
(k) Restraint or Restrained. Securing an animal by a leash not more than 8 feet in length at any time which is of sufficient strength to completely restrain and control the animal and the leash is held by and under the active control of a person of sufficient age and competency to govern the animal and to prevent it from annoying or worrying any other person or domestic animal or from trespassing on private property or trespassing on public property where such animals are forbidden. (2092 09/10/02)
(l) Shelter. An enclosure to protect animals from the elements and a structure that provides a clean, healthy living environment.
(m) Trained Individual. Has the meaning as defined in Wisconsin Administrative Code ATCP 13.
(n) Veterinarian. Has the meaning as defined in Wisconsin Administrative Code ATCP 13.
(o) Veterinary Hospital/Clinic. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of disease and injuries of animals.

(p) Vicious Animal. Vicious animal shall mean:

1. Any animal that, when unprovoked, inflicts bites, injures, kills, damages, or attacks a human being or domestic animal; or

2. Any animal that has on two (2) or more reported occasions when unprovoked, bitten, injured, killed, damaged, or attacked a human being on public or private property; or

3. Any animal that has a propensity, tendency, or disposition, known to the owner thereof, to attack, without provocation, in a manner which may cause death, injury, damage, or which may otherwise endanger the safety of any human being or domestic animal; or,

4. Any animal trained or used for fighting against another animal.

Notwithstanding the definition of a “vicious Animal” above, no animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

No dog may be declared vicious for acts committed by said dog while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

(9) RESTRICTIONS ON KEEPING OF DOGS. It shall be unlawful for any person within the City to own, harbor or keep any dog that:

(a) Habitually pursues vehicles upon any street, alley or highway.

(b) Molests passersby or assaults or attacks any person without provocation.

(c) Is at large within the limits of the City. (See §9.09.)

(d) Frequently or habitually barks, yelps, or howls, and thereby greatly annoys or unreasonably disturbs the surrounding neighborhood or a person of ordinary sensibilities in the vicinity. (This paragraph shall not apply to hospitals conducted for the treatment of small animals.) (See §10.05(10).) (2130 12/09/03)

(e) Kills, wounds, or worries any domestic animal.

(f) Urinates or defecates on public property or other private property. In the event the animal defecates on another's land or any public right of way, the owner shall immediately remove the feces in a sanitary manner.

(10) DOGS AND CATS RUNNING AT LARGE AND UNTAGGED DOGS AND CATS.

(a) Dogs or Cats Running at Large. A dog or cat is considered to be running at large if it is off the premises of its owner as described and defined in §9/09(1) of this Code. (2092 09/10/02)

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

(c) Dogs and Cats Subject to Impoundment

Police officers, City Humane Officers, or County Humane Officers shall attempt to capture and restrain any dog or cat running at large or any untagged dog or cat.

(d) Penalties

The owner of a dog or cat who negligently or otherwise permits the dog or cat to run at large, or who permits a dog or cat to be untagged shall be subject to a penalty as provided by subs (19).

(11) DUTY TO REPORT ANIMAL BITE.

Every person, including the owner or person harboring or keeping a dog, cat or other animal, who knows that such animal has bitten any person shall immediately report such fact to the Police Department.

(12) NUMBER OF DOGS AND CATS PER HOUSEHOLD LIMITED.

No person, except a kennel licensee, shall own, harbor or keep more than two dogs and two cats that are more than five months of age. If more than two dogs and two cats are owned, harbored or kept in or by any one household, the head of the house-hold shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog or cat license or licenses may be issued to other members of the household as owners of such animals. The Common Council shall be authorized to grant a special exception to this section and thereby allow a greater number of dogs and/or cats that are more than five months of age for a specific household provided the following conditions are satisfied: (1885 10/08/96, 2448 09/13/16)

(a) No more than a total of five animals (dogs and cats combined) shall be owned, harbored or kept by one household.

(b) The need for the additional animals shall be based on either a change in household circumstances or a need for an additional animal due to a disability in the household. An existing household acquiring a new animal shall not be considered a change in household circumstances.

(c) Each permitted animal shall be neutered or spayed.

(d) Each permitted animal shall be raised in a safe, sanitary and healthful environment and shall be properly fed and groomed at all times and all animal waste shall be disposed of in a safe and sanitary manner. If a permitted animal dies, it shall not be replaced with another animal.

(e) Each permitted animal shall be kept or harbored inside the residence.

(f) The owner of the household where such animals are harbored or kept shall give his/her written consent to the granting of an exception under this subsection.

(g) Each permitted animal shall be properly registered with the City and all license fees paid.

(h) The Council may impose such additional conditions as the Council deems necessary for the public health, safety and general welfare.

(i) In granting or denying a special exception, the Council shall take into consideration how and when the excess number of animals were acquired by the household, and whether such animals were acquired with knowledge of the limited number of such animals permitted by the City Codes.

(j) City police officers, community service officers and/or the zoning administrator shall be authorized to inspect the household at any reasonable time without notice to the owner or occupants thereof for compliance with the conditions established by the
Council. A single violation of any of the above conditions or of any other condition ordered by the Council shall be sufficient grounds for revocation of the special exception permit. The Council shall be empowered to revoke any permit issued under this subsection.

(k) Before considering an application for a special exception permit under this section, the Common Council shall refer the application to the Administrative Committee. If the Administrative Committee finds that a permit should not be issued, this determination shall be final and shall constitute a formal denial of the permit. If the Administrative Committee finds that the permit should be granted, this determination shall be deemed a recommendation only and the final determination to grant or deny the permit shall be made by the Council.

(l) Only one special exception permit shall be allowed per household so that in no case shall a person have more than 3 dogs or 3 cats.

(m) An attempt shall be made to contact neighboring property owners regarding a request for a special exception permit.

(12A) NUMBER OF DOGS PER HOUSEHOLD: ANIMAL RESCUE OPERATION (2370 01/10/2012 [created])

(a) As used in this subsection, “animal rescue household” means a single-family residence working in conjunction with a bona fide animal rescue organization to temporarily board dogs or cats until a new home can be found for the animal.

(b) A “bona fide animal rescue organization” is an organization dedicated to the adoption of surrendered, abandoned, homeless, or otherwise owner-less dogs of a specific breed or cats, and which:

1. Has been in existence as an organization for a minimum of two years;

2. Does not allow animals in the organization’s care to be mated or bred;

3. Requires that animals live indoors in an environment suitable for socializing with humans;

4. Requires that animals have up-to-date vaccinations;

5. Requires a personal visit to the home of potential clients of their animals; and

6. Is a member of the Alliance of Wisconsin Animal Rehoming Efforts.

(c) In addition to the number of dogs and cats allowed per household pursuant to sub. (12), above, a licensed animal rescue household shall be allowed two additional dogs or cats in the household. The additional animals shall not be vicious animals as defined by §12.13(18), Ordinances.

(d) A license shall be issued by the City Clerk for an animal rescue household that meets the following requirements:

1. Completes the required application form.

2. Provides a letter of recommendation dated within 60 days of the date of application from a doctor or veterinary medicine supporting
the household for animal rescue operations.

3. Provides evidence that the animal rescue organization the applicant is associated with is a bona fide animal rescue organization as defined in this ordinance.

4. Provides a letter dated within 60 days of the date of application documenting service of the household with a bona fide animal rescue organization.

5. Has licensed all other dogs and cats in the household.

(e) An animal rescue household license shall be valid for period of two years.

(f) No animal rescue household license shall be issued or renewed where two or more convictions of violating §9.09, Animals at Large and Animal Waste regulations, §12.13(16), Cruelty to Animals, §12.13(17), Animal Waste violation, and/or §12.13(9)(c), Barking dogs, have been taken against members of the household within the two calendar year which precedes the application.

(a) Impoundment of Dogs and Cats at Large. Unrestrained dogs and cats and dogs and cats running at large, shall be taken by the City Police Department or Humane Officer and impounded in the Sauk County Animal Shelter.

(b) Impoundment Fee. An owner reclaiming an impounded dog or cat shall pay the impoundment fee and expenses to the Sauk County Animal Shelter, and shall comply with the provisions of Ch. 173, Wis. Stats., prior to the release of the dog or cat.

(15) SAUK COUNTY ANIMAL SHELTER. The Sauk County Animal Shelter shall be the designated site for the care, treatment, or disposal of dogs, cats, and other animals taken into custody by a Humane Officer or law enforcement officer.

(16) CRUELTY TO ANIMALS.
(a) No person owning, harboring, or having custody of an animal shall fail to provide it with good and wholesome food at least once daily and provide a constant supply of potable water to sustain the animal in good health.

(b) No person shall fail to provide any animal that he/she owns, harbors, or has custody of with shelter from inclement or adverse weather or to ensure the protection and comfort of the animal. In the case of dogs and cats which are kept outdoors or in an unheated enclosure, shelter and bedding shall be provided as set forth in this section as a minimum.

1. Outdoor Standards. When sunlight is likely to cause overheating or stress to any animal, shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun. Dogs and cats kept outdoors shall be provided with moisture resistant and wind resistant shelter of a size which allows the dog or cat to turn around freely and to easily sit, stand, and lie in a normal position and to keep the dog or cat clean, dry, and comfortable. Whenever the outdoor temperature falls below 40 degrees Fahrenheit, clean bedding material shall be provided in such shelters for

(13) UNLAWFUL TO FREE CONFINED OR RESTRAINED ANIMAL. No person shall open any door or gate of any private premises or loosen, untie or cut any leash, rope or chain for the purpose of setting any dog, cat or other animal at large, except with the permission of the owner of such animal.

(14) IMPOUNDMENT, QUARANTINE, AND VIOLATION NOTICES.
insulation and to retain body heat of the dog or cat. Feces shall be removed as specified in Subs. (17) below.

2. Indoor Standards. All animals confined to a cage, kennel run, or secure enclosure of any kind, shall be provided with quarters in a clean condition and in good state of repair. Each animal shall have sufficient space to turn around freely and to easily sit, stand, and lie in a normal position. The temperature and ventilation of the quarters shall be compatible with the health of the animal. There shall be sufficient clean, dry bedding to meet the needs of each individual animal and feces shall be removed as specified in Subs. (17), below.

(c) Chains, ropes, or leashes shall be so placed or attached that they cannot become entangled with another animal or object, and shall be of sufficient length to allow the animal proper exercise and convenient access to food, water, and shelter. Such chains, ropes, or leashes shall be located so as not to allow such animal to trespass on public or private property belonging to others or in such a manner as to cause harm or danger to persons or other animals.

(d) No person shall fail to provide any animal that he/she owns, harbors, or has custody of with veterinary care when needed to prevent suffering.

(e) No person shall beat, kick, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or use any device or chemical substance whereby pain, suffering, or death may be caused, whether belonging to himself or another, except that reasonable force may be used to drive off vicious or trespassing animals. This provision does not prohibit training techniques or husbandry practices which are acceptable under Wisconsin law.

(f) No person shall abandon or neglect any animal he/she owns, harbors, or has custody of.

(g) No person shall transport any animal in their possession in a manner which could cause injury, pain, undue stress, or death to the animal.

(h) No person shall beat, kick, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or use any device or chemical substance whereby pain, suffering, or death may be caused, whether belonging to himself or another, except that reasonable force may be used to drive off vicious or trespassing animals. This provision does not prohibit training techniques or husbandry practices which are acceptable under Wisconsin law.

(i) No person shall cause, instigate, or permit any dogfight, cockfight or other combat between animals or between animals and humans.

(j) No person shall expose any poisonous substances, whether mixed with food or not, so that the same shall be liable to be eaten by any dog or cat, provided that it shall not be unlawful for a person to expose, on his property, poisons designed for the purpose of rodent or pest elimination. This provision shall not prohibit police or Public Works personnel or licensed pest-control operators from providing rodent or pest-control services.

(k) Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and shall attempt to report such injury or death to the animal’s owner or the City Police Department.

(l) No person may cause or allow an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time, without adequate ventilation, as to endanger the health or well being of such animal due to temperature, humidity, lack of food or drink, or such other conditions as may be reasonably expected to cause suffering, disability, or death.

17. ANIMAL WASTE.

(a) The owner or person having immediate control of a dog or cat shall immediately remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal, upon public or non-animal owner private property. This section shall not be applicable to cases where a person is physically unable or is legally...
blind and is being assisted by a certified companion dog.

(b) All pens, yards, structures, or areas where animals are kept shall be maintained in a clean, sanitary, odor free, and nuisance free condition. Droppings and excrement shall be removed regularly and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors.

(18) VICIOUS ANIMALS. No person shall own, possess, harbor, keep, or maintain a “vicious animal” contrary to the terms of this section. (2092 09/10/02)

(a) Vicious Animal License
1. Any person who may own, possess, harbor, keep, or maintain a “vicious animal” or any owner as defined in this §12.13 shall do so only after first having obtained a “vicious animal” license from the City Clerk and only after complying with the terms of said “vicious animal” license.

2. The license term shall be from January 1 through December 31. The license fee, as set forth in the City’s Official Fee Schedule, which fee shall cover the costs of City issued tags and administrative follow-up of compliance.

3. A license may be granted and issued subject to proof of the following:
   a. A liability insurance policy written by an insurance company licensed to do business in the State of Wisconsin, covering death and personal injury, in the amount of at least three hundred thousand dollars ($300,000) and property damage in the amount of at least fifty thousand dollars ($50,000). The policy shall provide notice to the City Clerk thirty (30) days in advance of any material charge therein and of its termination or non-renewal.
   b. Current vaccination for rabies.
   c. Current license where the “vicious animal” is a dog or cat.
   d. Neutering or spaying, where the “vicious animal” is a dog or cat.
   e. Permanently marking the animal with a tattoo or a subcutaneous microchip and providing the identification information on the application for license. (2279 04/22/08)

4. A license granted and issued hereunder is conditioned upon the following:
   a. Compliance with subsection (3) above.
   b. The posting of signs no smaller than twenty-four inches (24") in size on each of four sides, made of metal or plastic, fluorescent yellow in color, bearing the wording, “WARNING VICIOUS ANIMAL,” in English print, no smaller than three inches (3") high and also bearing the license number of each “vicious animal” no smaller than one inch (1") high, which signs shall be posted at each entrance to the building in which the “vicious animal” is kept and at each entrance through a fence, and at such location as is viewable from the public sidewalk, if any, in the vicinity of any walk or drive approaching any entrance to the building in which the “vicious animal” is kept.
   c. The “vicious animal,” while off the premises where kept, shall be muzzled with a no-bite type muzzle, restrained as to movement by a choke-type collar or harness and leash secured by and under the direct control and supervision of a mentally competent adult person.
   d. The “vicious animal,” while on the premises where kept shall be placed within a secured building, or within a secured fence of sufficient height and construction to
maintain the animal within, which fence shall be inspected and approved by the Police Department.

(b) A “vicious animal” which is owned, possessed, harbored, kept, or maintained in violation of this section may be impounded or destroyed by the City, or its agents, at the expense of the violator, following notice and an opportunity to be heard by the Baraboo City Administrator, or his/her designee. Any police or humane officer of the City shall have the authority to enforce the provisions of this ordinance, including, but not limited to, seizing any animal that the officer reasonably believes is being possessed, harbored, owned, kept, or maintained in violation of this section. Any such animal seized pursuant to this section shall be held in the Sauk County Animal Shelter, or in such other facility deemed appropriate by the impounding officer. Any person aggrieved by the decision of the City Administrator or his/her designee, may appeal such decision to the Common Council by filing a written notice of appeal with the City Clerk within five (5) business days of the mailing of the written decision and order by the City Administrator, or his/her designee. The vicious animal shall be impounded, but not destroyed, until the appeal time has expired and until any timely filed appeal has been heard. The City may require the appealing party to post a bond in an amount sufficient to satisfy the cost of holding the animal during the appeal period. If it is determined that the animal has been owned, possessed, harbored, kept, or maintained in violation of this section, the costs incurred by the City for impounding and holding the animal shall be paid by the violator. A person found to be in violation of this section shall, in addition to the penalties provided in §25.04 of this Code, forfeit the prohibited animal to the City humane officer or police officer for such destruction or disposition as deemed proper. The City elects not to be bound by Ch. 68, Wis. Stats., with respect to the administrative procedure under this section. (2092 09/10/02)

(c) No person shall:
1. Sell or transfer possession of a “vicious animal” to another person without first notifying the person to whom the “vicious animal” is being sold or transferred, of the fact that such is a “vicious animal,” and of any requirements imposed upon the selling or transferring party by this Ordinance.

2. Sell or transfer possession of a “vicious animal” to another person without first notifying the City Clerk thereof, in writing at least five (5) business days in advance of the sale or transfer of possession.

(d) If a vicious animal is euthanized, the owner thereof shall provide to the City Administrator within ten (10) days of the date of death of the animal a certificate or other written proof of euthanasia from a licensed veterinarian. If a vicious animal is killed, destroyed or dies from any other cause or means, the owner shall, within ten (10) days of the date of death of the animal, provide in writing to the City Administrator, verification of the death of the animal.

(19) ENFORCEMENT.
(a) The provisions of this ordinance shall be enforced by City and Sauk County Humane Officers or City Police Officers.
(b) City or Sauk County Humane Officers and City Police Officers are authorized to catch and impound animals at large with such authorization to include the pursuit of animals upon non-animal owner private property. It shall be a violation of this ordinance to interfere with or obstruct the City or County Humane Officer or City Police Officers in the performance of their duties under this section.

(20) PENALTIES. Any person violating any provisions of this section shall be subject to a penalty as provided in §25.04 of this Code.

12.14 REGULATION OF ALARM SYSTEMS.
(1833 09/26/95)
(1) PURPOSE. The purpose of this section is to provide minimum standards and regulations applicable to burglar, fire and holdup alarm systems, alarm businesses and alarm uses. Both society in general and public safety in particular will be aided by
providing a useful and usable system of private security which properly balances quick response by law enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems.

(2) DEFINITIONS. For the purpose of this section, the terms, phrases and words and their derivations have the meaning defined herein:

(a) **Alarm Business.** Any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.

(b) **Alarm System.** An assembly of equipment and devices or signal device such as a solid state unit which plugs directly into a 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the police or fire department is expected to respond. In this Section, the term "alarm system" shall include the terms "local alarm systems," "automatic hold-up alarm systems," "burglar alarm systems," "all hold-up alarm systems," "manual hold-up alarm systems," "fire protection system," and "interior alarm system" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. (1846 01/09/96; 2359 06/28/2011)

(c) **Annunciator.** The instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.

(d) **Answering Service.** A telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.

(e) **Automatic Dialing Device.** An alarm system that automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

(f) **Automatic Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the action of the robber.

(g) **Manual Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer thereof.

(h) **Burglar Alarm System.** An alarm system that signals an entry or attempted entry into the area protected by the system.

(i) **Direct Connect.** An alarm system that has the capability of transmitting system signals to the dispatch center of the Police or Fire Department.

(j) **False Alarm.** The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. The mere fact that a false alarm was activated accidentally by human error shall not be a defense to a false alarm charge. False alarm does not include alarms caused by storms or other violent conditions.

(k) **Fire Protection System.** Any fire alarm device or system or fire extinguishing device or system, or their combination, that is designed and installed for detecting, controlling, or extinguishing a fire or otherwise alerting occupants, or the fire department, or both that a fire has occurred, as defined in NFPA 1 Chapter 2 as adopted by Reference in Wisconsin Administrative Code Comm 14. (1846 01/09/96; 2359 06/28/2011)

(l) **Interim Alarm System.** An alarm system which gives a signal, visual or audible, or both, within the interior
of the building in which it is located and which is used to alert or signal persons on the premises in which the alarm system is located of an attempted or unauthorized intrusion, or hold-up attempt or fire. (1846 01/09/96)

(m) **Interconnect.** To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

(n) **Central Station.** An office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.

(o) **Primary Trunk Line.** A telephone line leading directly into the dispatch center of the Police or Fire Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory or numbers in sequence therewith.

(p) **Local Alarm Systems.** An alarm system in which the signal, either visual or audible, or both, is given on the exterior or interior portions of the location, but such signal does not leave the location to a central control receiving location.

(q) **Locations.** Any building, structure, property or premises within the City.

(3) **ADMINISTRATIVE RULES.** The Chief of Police for the Police Department and the Fire Chief for the Fire Department shall promulgate such rules for their respective departments as may be necessary for the implementation of this Section. Such rules shall require the approval of the Common Council and shall be open to inspection by the public.

(4) **AUTOMATIC DIALING DEVICES.** No person shall interconnect any automatic dialing device to a Police or Fire Department primary trunk line. No person shall permit such devices, which were installed prior to the effective date of this Section, to remain interconnected from any property owned or controlled by that person. Such devices may be connected to a central station or an answering service. Relaying messages so received to the Police or Fire Department shall only be done person to person on the telephone line.

(5) **DIRECT CONNECTIONS TO THE POLICE OR FIRE DEPARTMENT PROHIBITED.** Direct connections to the Police or Fire Department are prohibited.

(6) **TESTING.**

(a) No alarm business or alarm system designed to transmit emergency messages to the Police Department or Fire Department shall be tested or demonstrated without prior notification and approval of the Police Chief for the Police Department and the Fire Chief for the Fire Department. Alarm businesses or alarm system owners or lessors will be advised on proper test procedure.

(b) No alarm system relayed through intermediate services to the Police Department or Fire Department will be tested to determine the Police Department's or Fire Department's response without first notifying the appropriate authority. However, the Police Department and/or Fire Department may inspect or test on-site alarm systems authorized under this Section.

(c) Alarm systems shall be in compliance with all pertinent response policies of the Police Department and/or Fire Department.

(7) **NOTIFICATION OF DISRUPTED SERVICE.** When the service provided by an alarm business to its subscribers is disrupted for any reason by the alarm business or the alarm business becomes aware of such disruption, it shall promptly notify its subscribers by telephone that protection is no longer being provided. If, however, the alarm business has written instruction from its subscriber not to make such notification by telephone during certain hours, the alarm business may comply with such instructions.

(8) **FALSE ALARM VIOLATIONS AND SPECIAL CHARGES.**

(a) **Generally.** Each false alarm requires response of public safety personnel, involves unnecessary expense to the City, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the City. Such false alarms constitute a public nuisance and must be abated.
(b) **Intentional.** No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.

(c) **False Alarms; Special Charges.** Any person having a permissible alarm system with alarm device(s) at one or more locations in accordance with this section shall pay to the City Treasurer a special charge for false alarms responded to by the Police and/or Fire Department according to the following schedule for each location connected. Separate accounts shall be kept for false alarms as to criminal activity and false alarms for fire or other emergencies:

1. All false alarms responded to by Police Department:
   a. First false alarm for a location - as set forth in the City’s Official Fee Schedule
   b. Second and subsequent false alarm per location - as set forth in the City’s Official Fee Schedule

2. All false alarms responded to by Fire Department fire fighting personnel and apparatus:
   a. First false alarm for a location - as set forth in the City’s Official Fee Schedule
   b. Second and subsequent false alarm for each location - as set forth in the City’s Official Fee Schedule

Where both the Police Department and Fire Department respond to a false alarm, a special charge for both departments shall be imposed as provided above. This Subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to which the Police and/or Fire Department have responded and shall be applied regardless of the cause of the false alarm excepting those alarms excluded from the definition of "False Alarm." The mere fact that a false alarm was activated accidentally or by human error or mistake shall not be a defense to a false alarm violation or a special charge.

(d) **Waiver of Fee.** If a possessor of an alarm system shows to the satisfaction of the Chief of Police or the Fire Chief, as applicable, that a false alarm was not the result of negligence or improper maintenance, or other good and sufficient cause beyond the reasonable control of the possessor of the alarm, such fee may be waived and the response shall not count as a false alarm in computing the fee established under Subsection (c) hereof.

(9) **DISCLAIMER OF LIABILITY.** The City shall be under no duty or obligation to a subscriber or to any other person for any defects, malfunctions, delays or any other matter arising out of the use or activation of an alarm system and the City shall not be liable for any defects in an alarm system or the central receiving dispatch or any transmission, malfunctions, delays or other delay or non-response to any alarm system.

(10) **COLLECTION OF SPECIAL CHARGES.** In addition to any other penalty imposed by this Code for false alarms responded to by the Police Department and/or Fire Department, the special charge imposed under Subs. (8)(c) shall be collected as a debt from the owner or occupant of the location where the Police or Fire Department responded to the false alarm. If the special charge is not paid within 30 days of the date of billing, an additional administrative collection charge of 10% of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid and such charge shall be ex-ended upon the current or next tax roll of the location as a special charge for current services as provided in §66.0627, Wis. Stats.

(11) **PERMITS FOR PRIVATE ALARM SYSTEMS.**

(a) **Permit Required.** No person shall install an alarm system in or upon any location in the City until a permit therefore has been issued by the Police Chief of Fire Chief. (1846 01/09/96; 2359 06/28/2011)

(b) **Interior Alarms.** A permit under this section is not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.
12 APPLICATION PROCEDURE.

(a) General. Application for a permit shall be submitted to the Police Chief or Fire Chief on a form supplied by the City, together with the fee as provided in sub. (c) below. The Chief receiving the application shall promptly notify the other Chief of any applications for installation of an alarm system.

(b) Permit Fee. The permit fee shall be as set forth in the City’s Official Fee Schedule. If there are two or more separate systems or a single system with two or more functions, a separate fee shall be required for each system or function.

(c) Issuance of Permit. Upon approval of the alarm system by the Police and Fire Chief and completion of the application requirements by the applicants, the Chief shall grant and issue the permit. Permits shall be issued to the party who owns or occupies the location of the alarm system. Where the crime or occupant of the location is changed a new permit shall be required. (2359 06/28/2011)

13 OPERATIONAL REQUIREMENTS.

(a) Duty to Maintain Alarm System. The permittee shall be responsible for maintaining the alarm system in proper working order. All alarm systems shall be equipped with batteries in working order.

(b) Duty to Respond to Alarm. The permittee shall be responsible for responding in case the alarm is activated for the purpose of providing access to the building or premises for police officers and/or firefighters, and for resetting the alarm. Under no circumstances shall a member of the police department or fire department reset an alarm.

(c) Time Delay and Shutoff. All alarm systems for security purposes shall be equipped with a time delay in case the alarm is accidentally tripped. All local alarms shall be equipped with a 15 minute automatic shutoff or other secure means of turning off the alarm.

14 REVOCATION OR NON-ISSUANCE OF PERMIT.

(a) Grounds for Revocation or Non-Issuance of Permit. The Police or Fire Chief may revoke a permit or refuse to issue a permit for a private alarm system on the following grounds: (2359 06-28-2011)

1. The application for a permit contains a false statement of a material fact.
2. The applicant or permittee has repeatedly failed to comply with the provisions of this section.
3. An alarm system repeatedly actuates false alarms.

15 APPEALS. Any person aggrieved by a determination under this section may have a written or oral determination reviewed by appeal to the Administrative Review Board pursuant to the provisions of Ch. 6 of this Code.

16 PENALTY. In addition to the penalties provided in this section, any person who shall violate any provision of this section or any order, rule or regulation made hereunder or who shall permit or cause a nuisance under this section shall be subject to a penalty as provided in §25.04 of this Code.

12.15 REGULATION OF SEXUALLY ORIENTED BUSINESSES. (1748 07/05/94; 2376 04/10/2012)

WHEREAS, sexually oriented businesses may be regulated in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the communities where they locate; and

WHEREAS, the Common Council finds that sexually oriented businesses, as a category of establishments, are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse effects on surrounding properties; and

WHEREAS, the Common Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the Common Council wants to prevent these adverse effects and thereby protect the health, safety and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of
life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Wisconsin Constitution, but to enact legislation to further the content-neutral governmental interests of the City of Baraboo, including the controlling of secondary effects of sexually oriented businesses.

WHEREAS, as required by §66.0103, Wis. Stats., a copy of this ordinance creating §12.15 relating to sexually oriented land uses has been on file and open for public inspection in the office of the City Clerk for not less than two weeks and notice thereof was given by publication on March 12 and 19, 2012, in the Baraboo News Republic, the official newspaper of the City.

1. PURPOSE AND FINDINGS.

(a) Purpose. It is the purpose of this ordinance to establish reasonable and uniform regulations of sexually oriented businesses in order to address the adverse secondary effects associated with these businesses and thereby promote the health, safety, morals, and general welfare of the citizens of the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

(b) Findings. While the Common Council recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights, based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Council, and on findings incorporated in the cases of City of Littleton v. Z.J. Gifts D-4, L.L.C., 541 U.S. 774 (2004); City of Los Angeles v. Alameda Books, Inc., 535 U.S. 425 (2002); City of Erie v. Pap’s A.M., 529 U.S. 277 (2000); City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 427 U.S. 50 (1976); Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); California v. LaRue, 409 U.S. 109 (1972); N.Y. State Liquor Authority v. Bellanca, 452 U.S. 714 (1981); FW/PBS, Inc. v. City of Dallas, 493 U.S. 215 (1990); Illinois One News, Inc. v. City of Marshall, 477 F.3d 461 (7th Cir. 2007); Andy’s Restaurant & Lounge, Inc. v. City of Gary, 466 F.3d 550, 554 (7th Cir. 2006); R.V.S., L.L.C. v. City of Rockford, 361 F.3d 402 (7th Cir. 2004); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631, 639-40 (7th Cir. 2003); Ben’s Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); Pleasureland Museum, Inc. v. Beutter, 288 F.3d 988, (7th Cir. 2002); Blue Canary Corp. v. City of Milwaukee, 270 F.3d 1156 (7th Cir. 2001); Blue Canary Corp. v. City of Milwaukee, 251 F.3d 1121 (7th Cir. 2001); Schultz v. City of Cumberland, 228 F.3d 831 (7th Cir. 2000); Dima Corp. v. Town of Hallie, 185 F.3d 823 (7th Cir. 1999); North Avenue Novelties, Inc. v. City of Chicago, 88 F.3d 441 (7th Cir. 1996); Matney v. County of Kenosha, 86 F.3d 692 (7th Cir. 1996); J.L. Spoons, Inc. v. Dragani, 538 F.3d 379, 381-82 (6th Cir. 2008), Sensations, Inc. v. City of Grand Rapids, 526 F.3d 291 (6th Cir. 2008); Deja Vu of Nashville, Inc. v. Metro. Gov’t of Nashville, 466 F.3d 391 (6th Cir. 2006); Deja Vu of Nashville, Inc. v. Metro. Gov’t of Nashville, 421 F.3d 417, 418 (6th Cir. 2005); Deja Vu of Nashville, Inc. v. Metro. Gov’t of Nashville, 274 F.3d 377, 388 (6th Cir. 2001); Daytona Grand, Inc. v. City of Daytona, 490 F.3d 860 (11th Cir. 2007); Broen’s Entm’t v. Charter Twp. of Van Buren, 421 F.3d 440 (6th Cir. 2005); Lady J. Lingerie, Inc. v. City of Jacksonvile, 176 F.3d 1358 (11th Cir.1999); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); World Wide Video of Washington, Inc. v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Lmn v. City of Long Beach, 217 F.3d 1050 (9th Cir. 2000); Fantasyland Video, Inc. v. County of San Diego, 373 F.Supp.2d 1094 (S.D. Cal. 2005); BGHA, L.L.C. v. City of Universal City, 210 F.Supp.2d 821 (W.D. Tex. 2002); Wolfe v. Village of Brice, 37 F.Supp.2d 1021 (S.D. Ohio 1999); City of Chicago v. Pooch Bab Enterprises, Inc., 2006 WL 2827608 (N.D. Ill. 2006); Sensations, Inc. v. City of Grand Rapids, 2006 WL 2504388 (W.D. Mich. 2006); Sensations, Inc. v. City of Grand Rapids, 2006 WL 5779504 (W.D. Mich. 2006); Schmidt’s v. City of Fond du Lac, 391 F.Supp.2d 745 (E.D. Wis. 2005); Illinois One News, Inc. v. City of Marshall, 2006 WL 449018 (S.D. Ill. 2006), Annex Books, Inc. v. City of Indianapolis, 581 F.3d 460, 462 (7th Cir. 2009), Annex Books, Inc. v. City of Indianapolis, 624 F.3d 368 (7th Cir. 2010), New Albany D.V.D. LLC v. City of New Albany, 581 F.3d 556 (7th Cir. 2009), Alameda Books, Inc. v. City of Los Angeles, 631 F.3d 1031 (9th Cir. 2011), Peek-a-Boo Lounge of Bradenton v. Manata County, 630 F.3d 1346 (11th Cir. 2011), Flanigan’s Enterprises, Inc. v. Fulton County, 596 F.3d 1265 (11th Cir. 2010), Orello v. Koster, 354 S.W.3d 187 (Mo. 2011), Borough of Sayreville v. 33 Club, LLC, 33 A.3d 1200 (N.J. 2012), and other cases, as well as findings from papers, articles, studies and information from other communities including, but not limited to Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on findings from the Report of the Attorney General’s Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and based upon all of this, the Council’s findings include the following:

1. That the foregoing cases, studies, reports and other materials are reasonably believed to be relevant to the problems that the City of Baraboo is seeking to abate and prevent in the future.
2. Sexually oriented businesses are associated with a wide-variety of harmful secondary effects which include but are not limited to the following: (a) illicit drug use, illicit and unsanitary sexual activity including prostitution and other unlawful sex-related offenses, as well as other personal and property crimes and offenses, (b) decreased desirability of and depreciation of property values in surrounding neighborhoods and properties, (c) health risks associated with the spread of sexually transmitted diseases, and (d) the potential for infiltration by organized crime for the purpose of unlawful conduct.

3. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that may be uncontrolled by the operators of the establishments.

4. Certain employees of sexually oriented businesses defined as adult theatres and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

5. Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, including those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

6. Persons frequent certain adult theatres, adult cabarets, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

7. Communicable diseases may be spread by activities occurring in sexually oriented businesses, including but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, and hepatitis.

8. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

9. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses.

10. Sexually oriented businesses have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, including increased crime and the downgrading of property values.

11. Sexually oriented businesses in which live, totally nude, non-obscene, erotic dancing occurs may and do generate secondary effects which the governing body believes are detrimental to the public health, safety and welfare of the citizens of the City.

12. Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

13. A reasonable licensing procedure is an appropriate mechanism to place the burden of reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the City. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

14. Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theatres.

15. The general welfare, health, morals and safety of the citizens of the City will be promoted by the enactment of this ordinance.

16. The findings noted in paragraphs 1 through 15 raise substantial governmental concerns.

(c) Determinations. Therefore, the Common Council has determined that sexually oriented businesses should be regulated in order to promote the goal of addressing the negative secondary effects associated with sexually oriented businesses and that the City has a substantial government interest in regulating such businesses.

(2) DEFINITIONS.

(a) Adult bookstore, adult novelty store or adult video store means a commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one or more of the following:
1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for the stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

3. An establishment may have other principal business purposes that do not involve the offering for sale rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.

(b) Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment that regularly features live performances by topless dancers, strippers, or similar entertainers which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

(c) Adult motion picture theater means an enclosed establishment with a capacity of 50 or more persons where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly featured which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(d) Booth, room, or cubicle means such enclosures as are specifically offered to the public or members of a sexually oriented business for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure, which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, “booth”, “room”, or “cubicle” does not mean such enclosures that are restrooms nor does it mean private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, are not open to any persons other than employees. Nor shall this definition apply to hotels, motels, or other similar establishments licensed by the State of Wisconsin pursuant to Chapter 254 of the Wisconsin Statutes.

(e) Characterize means to describe the essential character or quality of, or to be a distinguishing characteristic.

(f) Employee means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

(g) Establishment means any of the following:

1. The opening or commencement of any sexually oriented business as a new business;

2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

3. The additions of any sexually oriented business to any other existing sexually oriented business; or

4. The relocation of any sexually oriented business.

(h) Nudity, nude, or state of nudity means the showing of the human genitals, anus or a female's breast with less than a fully opaque covering of any part of the nipple and areola. Nudity does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

(i) Operate or cause to operate means to cause to function or to put or keep in a state of doing business.

(j) Owner or operator means any person on the premises of a sexually oriented business who exercises overall operational control of the business or a part of the business, who can open or close the business to the public, or who causes to function or who puts or keeps the business open or in operation. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner or part owner or licensee of the business.

(k) Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

(l) Regularly features or regularly featured means giving special prominence at uniform, orderly intervals on a permanent basis, or always features.

(m) Sexually oriented business means an adult bookstore, adult novelty store, adult video store, adult cabaret, or adult motion picture theater.

(n) Specified anatomical areas means:
1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
2. Less than completely and opaquely covered human genitals, and human female breast below a point immediately above the top of the areola.

(o) Specified Sexual Activities means:
1. Human genitals in a simulated or actual state of sexual stimulation or arousal;
2. Actual sex acts, normal or perverted, including intercourse, oral copulation, masturbation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus; or
3. Excretory functions as part of or in connection with any of the activities set forth in (1) through (2) above.

(3) CLASSIFICATION. Sexually oriented businesses are classified as follows:

(a) Adult bookstores, adult novelty stores, or adult video stores;
(b) Adult cabarets; or
(c) Adult motion picture theaters.

(4) LOCATION RESTRICTIONS. Sexually oriented businesses shall be permitted uses in the zoning districts set forth in the City Zoning Ordinance (Chapter 17 of the Municipal Code), provided that:

(a) The parcel upon which the sexually oriented business operates may not be within five hundred (500') feet of any residentially zoned parcel.
(b) A sexually oriented business may not be operated in the same building, structure, or portion thereof containing another sexually oriented business that is classified in accordance with Section (3).
(c) For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the parcel used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the residentially zoned district.

(5) INSPECTION.
(a) An operator of a business classified in section (3) shall permit representatives of the Police Department, Fire Department, Zoning Department, or other City departments or agencies to inspect the portions of the sexually oriented business premises where patrons are permitted, for the purpose of ensuring compliance with this ordinance, at any time the sexually oriented business is occupied by patrons or open for business.

(b) A person who operates a sexually oriented business or his agent or employee commits a violation of this ordinance if he refuses to permit such lawful inspection of the premises.

(6) HOURS OF OPERATION. No sexually oriented business may remain open at any time between the hours of two o'clock (2:00) A.M. and nine o'clock (9:00) A.M.

(7) AGE REQUIREMENT.

(a) No person under the age of 18 shall enter the establishment of a sexually oriented business.
(b) An owner, operator, employee or licensee of a sexually oriented business shall not permit a person under 18 years of age to be employed by or to enter the establishment.
(c) A sexually oriented business shall, at all times, cause the entrance of the establishment to be so attended as to insure compliance with the requirements contained herein.

(8) NUDITY AT SEXUALLY ORIENTED BUSINESSES PROHIBITED. No person shall knowingly or intentionally, in a sexually oriented business other than an adult cabaret, appear before a patron or patrons in a state of nudity. Any sexually oriented business which is found in violation of this section shall be subject to a forfeiture in accordance with §25.04, Ordinances.

(9) UNLAWFUL ACTIVITIES. Nothing contained in this ordinance is intended, or shall be construed, to permit or authorize activities which are unlawful under state law or City ordinance. It is unlawful and a violation of this ordinance for an operator to knowingly or intentionally violate the provisions of this Ordinance or to allow, either knowingly or intentionally, an employee or a patron to violate the provisions of this ordinance. It shall be a
defense to prosecution that the person prosecuted was powerless to prevent the violation.

(10) REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY-EXPLICIT FILMS, VIDEOS OR LIVE ENTERTAINMENT IN VIDEO ROOMS, BOOTHs OR CUBICLES.

(a) A person who operates or causes to be operated a sexually oriented business which exhibits on the premises in a viewing room, booth or cubicle of less than 150 square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. It is the duty of the operator or manager of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

2. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

3. It shall be the duty of the licensee to ensure that the view area specified in Section (2) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks, objects, or other materials.

4. No viewing room may be occupied by more than one person at any time.

5. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than 5 footcandles as measured at the floor level.

6. It shall be the duty of the operator or manager to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

7. No holes shall be allowed in the walls or partitions which separate each viewing room from an adjoining viewing room or restroom. No operator or manager shall allow openings of any kind to exist between viewing rooms or booths.

8. The operator or manager shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

9. All floor coverings in viewing booths or rooms shall be nonporous, easily cleanable surfaces, with no rugs or carpentry. All wall surfaces and ceiling surfaces shall be constructed of, or permanently covered by, nonporous, easily cleanable material. All floor and wall coverings shall be cleaned on a daily basis so as to keep them free from semen, urine, feces, needles, and trash. No wood, plywood, composition board, or other porous material shall be used within 48 inches of the floor.

(11) EXEMPTIONS. The provisions of this ordinance do not apply to the following:

(a) Theaters, performing arts centers, civic centers, exhibition halls, restaurants, dinner theaters and similar establishments where live dance, ballet, music and dramatic performances of serious
artistic, social or political expression are offered to the general public, with or without paid admission; or movie theaters, video arcades or other places offering theatrical performances where video or motion picture presentations of dance, ballet, music and dramatic performances of serious artistic, social or political expression are offered to the general public, with or without paid admission.

(b) Lavatories, restrooms and bathrooms on the licensed premises where there is unintentional exposure of genitals by individuals performing excretory functions, or dressing rooms during an employee’s bona fide use of a dressing room which is accessible only to employees.

c. The private areas or guest rooms not accessible to the general public of those hotels, motels, rooming houses, or bed and breakfast businesses in the City which hold an Operator’s License under Chapter 125 of the Wisconsin Statutes or the City Code.

d. The rental or sale of video cassettes, DVD videodiscs, or other electronic media for private viewing by individuals off the licensed premises.

e. Exposure of any portion of the female breast while a person is engaged in breast-feeding a child.

(f) In a modeling class operated:
1. By a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
   a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
   b. Where, in order to participate in a class a student must enroll at least three days in advance of the class; and

(12) PENALTY; EQUITABLE REMEDIES.
(a) Any violation of any provision of this ordinance, or any lawfully issued order of the Zoning Administrator, Planning Commission, Common Council, or their designated representative issued in pursuance of this ordinance shall be a municipal civil infraction as described in §25.04 of the Municipal Code. Each day that a violation is permitted to exist or occur, and each separate occurrence, shall constitute a separate offense.

(b) Any premises, building, dwelling, or other structure in which a sexually oriented business is repeatedly operated or maintained in violation of the provisions of this Ordinance shall constitute a public nuisance and shall be subject to civil abatement proceedings initiated by the City of Baraboo in a court of competent jurisdiction. Each day that a violation is permitted to exist or occur shall constitute a separate operation or maintenance of the violation.

(c) Notwithstanding the above subsections, the City may employ any remedy available at law or in equity to prevent or remedy a violation of any provision of this ordinance. A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of this ordinance is subject to a suit for injunction as well as prosecution for violations of such ordinance. Such violations shall be punishable by a forfeiture as set forth in §25.04 of the Municipal Code. Each day a sexually-oriented business so operates is a separate offense or violation.

(13) SEVERABILITY. This ordinance and its various parts, sections, subsections, sentences, phrases and clauses are declared to be independent and severable. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any part, section, subsection, sentence, phrase
or clause, or the application thereof to any person or circumstance, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so held to be invalid.

(14) REPEAL. All ordinances or orders in conflict in whole or in part with any of the provisions of this ordinance are, to the extent of such conflict, repealed.

12.16 WEIGHTS AND MEASURES REGULATION. (1889 11/12/96)

(1) APPLICATION OF STATE CODES. Except as otherwise specifically provided in this section, the statutory provisions of Ch. 98, Weights and Measures, Wis. Stats. and Wis. Adm. Code, ATCP 92, Weighing and Measuring Devices, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute or code incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the statutes incorporated herein or Wis. Adm. Code provisions incorporated herein are intended to be made a part of this section. This section is adopted pursuant to the provisions of Ch. 98, Wis. Stats.

(2) APPOINTMENT OF INSPECTORS. In order to assure compliance with this section, the City hereby grants the authority and duties of sealers and inspectors required by this section to the State of Wisconsin Department of Agriculture, Trade and Consumer Protection.

(3) DEFINITIONS.

(a) Commercial Weighing or Measuring Devices. Devices used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, produce or articles for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure.

(b) Weights and Measures Program. The program that includes administration and enforcement of this section, Ch. 98, Wis. Stats., and applicable Wis. Adm. Code provisions, and any related actions.

(4) WEIGHTS AND MEASURES LICENSE REQUIRED.

(a) License Requirements. Except as provided in subs. (b), no person shall operate or maintain any commercial weighing or measuring devices or any other weights and measures or systems and accessories related thereto which are used commercially within the City of Baraboo for determining the weight, measure or count of commodities or things sold or offered or displayed for sale on the basis of weight, measure or count unless each such device is licensed by an annual weights and measures license issued pursuant to the provisions of this section.

(b) Exemptions. Occasional sales temporarily permitted by a special event permit, or sales permitted at the Farmers Market established pursuant to this chapter, or sales permitted by Direct Sellers, Transient Merchants and Solicitors are exempt from licensing under this section.

(5) APPLICATION FOR LICENSE. An application for a weights and measures license shall be made in writing on a form provided for such purpose by the City Clerk and shall be signed by the owner of the commercial business, or by its authorized agent. Such application shall state the type and number of weighing and measuring devices to be licensed, the location of the devices, the applicant’s full name and post office address, and whether such applicant is an individual, partnership, limited liability company, corporation or other entity. If the applicant is a partnership, the application shall state the names and addresses of each partner. If the applicant is a corporation or limited liability company, the application shall state the name and address of all officers and agents of the applicant, including the registered agent thereof.

(6) ISSUANCE OF LICENSE AND FEES. Upon compliance with this section, the City Clerk shall issue a license to the applicant upon payment of an annual license fee as set forth in the City’s Official Fee Schedule. Each store or other business location shall require a separate license. The license fee shall not be prorated for a partial year.
LICENSE TERM. A license issued under this section shall expire on December 31 of each year.

ENFORCEMENT FOR NON-RENEWAL. It shall be the duty of the City Clerk to notify the appropriate City officials and to order the immediate enforcement of the provisions of this section in cases involving a failure to renew a weights and measures license. A licensee shall be prohibited from operating or maintaining a weighing or measuring device until such time as a valid license has been obtained under the provisions of this section.

FEES ASSESSMENT.

(a) Annual Assessment. The Council shall annually assess fees to each licensee based on the number and types of weighing and measuring devices licensed as of January 1 of each year. The total of the fees assessed and the fees collected shall not exceed the actual costs of the Weights and Measures Program.

(b) Clerk to Prepare Assessment Schedule. The City Clerk shall at least annually prepare a proposed schedule of assessments and the Clerk’s proposed schedule shall be submitted to the Council. A copy of the proposed schedule together with notice of the date and time at which the Council will consider the assessments shall be mailed to each licensee.

(c) Council Determines Assessment. At least 10 days after such mailing, the Council shall consider the Clerk’s proposed schedule of assessments and determine the schedule of assessments on a reasonable basis. The City Clerk shall mail to each licensee an invoice for the amount of the fee assessed to the licensee as determined by the Council and each licensee shall pay the fee assessed within 30 days after the date the invoice is mailed.

(d) Failure to Pay Assessment. If the assessed fee is not paid within 30 days of the date of mailing of the invoice, an additional administrative collection charge of 10% of the fee shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid. If the licensee is the owner of the real estate premises where the licensed weights and measures devices are located, any delinquent assessment shall be extended upon the current or the next tax roll as a charge against the real estate premises for current services, as provided in §66.0627, Wis. Stats. No license shall be issued or renewed under this section if the licensee is delinquent in the payment of a fee assessed under this section.

(e) Mailing of Notices. Schedules, notices and invoices shall be considered mailed to a licensee when mailed by first class mail, postage prepaid, to the licensee at the licensee’s address as shown on the application form.

(f) Change of Ownership. If the ownership of a commercial business licensed under this section is transferred during a license year, the owner of the business as of January 1 of the license year shall be liable and responsible for the payment of the fees assessed under this section.

12.17 SPECIAL REGULATIONS FOR JULY 01 THROUGH JULY 04, 2004 CIRCUS DAYS CELEBRATION. This ordinance sunsets or repeals automatically on July 5, 2004. See original Ordinance No. 2147 in the Ordinance Book on file in the City Clerk’s office. (2147 04/13/04)

12.18 PENALTY. Except as otherwise specifically provided in this chapter, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in §25.04 of this Code.
CHAPTER 13
MUNICIPAL UTILITIES

SUBCHAPTER I: GENERAL PROVISIONS
13.01 Management and Control of Baraboo Water Utility and Baraboo Sewer Utility (2033 11/14/2000)
Committee)
13.03 Joint Liability for Utility Bills (2033 11/14/2000)
13.04 Collection of Utility Bills in Arrears (2033 11/14/2000)
13.05 to 13.07 (Reserved)

SUBCHAPTER II: BARABOO WATER UTILITY
13.08 Management
13.09 Rules and Regulations
13.10 Setback from Water Mains in Public Right-of-Way
13.11 Cross-Connections
13.12 Private Well Abandonment
13.13 Use of Water Facilities
13.14 Booster Pumps Regulated
13.15 Outside Service Limited
13.16 Use of Water During Water Emergency
13.17 Inspections, Repair & Maintenance of Water Utility Equipment, Apparatus & Works
13.18 Non-Standard Meter Service
13.19 to 13.20 (Reserved)
13.21 Penalty

SUBCHAPTER III: BARABOO SEWER UTILITY
13.22 Management
13.23 Setback from Sewer Mains in Public Right-of-Way
13.24 Definitions
13.25 Reserve Capacity Assessments
13.26 Installation of Sewer Laterals
13.27 Sewer Service Charges
13.28 Annual Budget and Method of Payment of Charges
13.29 Accounts and Funds
13.30 Use of Public Sewers Required
13.31 Private Sewage Disposal
13.32 Lateral Connections
13.33 Use of the Public Sewers
13.33A Fats, oil and grease management at food service establishments
13.33B Amalgam Management at Dental Offices
13.34 Powers and Authority of Inspectors
13.35 Residential Equivalency Charge Chart
13.36 Septic Disposal Regulated
13.37 Customers Outside the City Limits
13.38.1 Sanitary Sewer Connection Charge for Lands Served by the Baraboo Northeast
Quadrant Sanitary Sewer System
13.39 (Reserved)
13.40 Penalty

SUBCHAPTER IV: BARABOO STORMWATER UTILITY
13.41 Findings and Declarations of Policy
13.42 Establishment
13.43 Authority
13.44 Interpretation
13.45 Severability of Ordinance Provisions
13.46 Definitions
13.47 Basis of Charge
13.48 Customer Classifications
13.49 Charge Formulas
13.50 Fees
13.51 Adjustments
13.52 Budget – Excess Revenues
13.53 Billing
13.54 (Reserved)

HISTORICAL NOTE
Re: Combining of the Water and Sewer Utility Operations,
Reassignment of Duties, and
Combining of the Water and Sewer Commissions

Date: November 14, 2000

In early 2000, the City Common Council retained the firm of Virchow Krause and Company, LLP to review the organizational and governance structure of the Water Utility, Sewer Utility, and Public Works Departments. A final report of this study was completed in June, 2000. The study suggested three alternative organizational structures for the City Council to consider. A joint meeting of the Baraboo Common Council and the Baraboo Water Utility Commission (abolished; duties given to Public Safety Committee) was held on June 6, 2000, to discuss the reorganization. On July 11, 2000, the Council adopted Resolution No. 2000-58 and thereby decided to reorganize the Water Utility, Sewer Utility, and Public works Departments. At the same time this issue was under consideration by the Council, the City was in the process of constructing a new Public Facilities building to house the Public Works Department, Water Department, and Parks and Recreation Department. As a result of the reorganization, the Ordinance Code was revised, and on November 14, 2000, the Council adopted the ordinance changes implementing the reorganization of the above departments. As a result of this change, the position of Public Works Director was eliminated and the City Engineer’s position was changed to the position of City Engineer/Planner. The position of Water Superintendent was also eliminated and a new position known as Utility Superintendent was created. The Utility Superintendent became in charge of the supervision and management of the Sewer Utility and Water Utility. The ordinance also eliminated the Water Commission and Sewer Commission and created a single Utility Commission. With the elimination of the Water Commission, the Council established that the Water Utility and Sewer Utility will be under the direct management and control of the Board of Public Works which constitutes the members of the Common Council. The ordinance changes granted specific powers and duties to the Utility Commission (abolished; duties given to Public Safety Committee) to take charge of the day-to-day operations of both the Water Utility and the Sewer Utility. With the elimination of the position of Public Works Director, many of the duties of the Public Works Director were transferred to the Street Superintendent and to the Utility Superintendent.

SUBCHAPTER I: GENERAL PROVISIONS

13.01 MANAGEMENT AND CONTROL OF BARABOO WATER UTILITY AND BARABOO SEWER UTILITY

(1) BOARD OF PUBLIC WORKS. The Board of Public Works shall be in charge of the management, operation, control, and supervision of the Baraboo Water Utility and the Baraboo Sewer Utility. Public Safety Committee shall operate under the general control and supervision of the Board of Public Works and shall have the powers and duties set forth in §13.02(2) and such additional powers and duties as may be delegated from time to time by the Board of Public Works. The Board shall be authorized to adopt rules and regulations for the operation and management of the Water Utility and Sewer Utility. (2033 11/14/2000; 2354 01/25/11)

13.02 BARABOO UTILITY COMMISSION (2033 11/14/2000)

The Baraboo Utility Commission is abolished and the duties of the Commission shall be taken over by the Public Safety Committee. (2354 01/25/11)

(1) POWERS AND DUTIES. The Public Safety Committee shall provide oversight to all

(2) Baraboo Utilities. The Public Safety Committee is not a commission created under §66.0805, Wis.Stats. The Committee
shall have the powers and duties set forth below and such additional powers as may be delegated from time to time by the Common Council. (2354 01/25/11)

(a) To make rules or by-laws for its own proceedings and for carrying out the powers and duties granted to the Commission. The Commission shall choose from among its number, a President and a Secretary.

(b) To recommend to the Board of Public Works, the number of employees needed to operate the Wastewater Treatment Plant and the Baraboo Water Utility and, upon approval of the Board of Public Works, except for the position of Utility Superintendent, to hire, control, and replace, employees of the Water Utility and Sewer Utility as required. Recommend to the Board of Public Works the compensation to be paid to employees of the Water Utility and Sewer Utility.

c) To extend water lines and sewer lines as necessary.

d) To maintain water maps, sewer maps, plans, and profiles for the water and sewer system, in cooperation with the City Engineer.

e) To purchase all material, fuel, or equipment necessary for the operation of the Water Utility and Sewer Utility.

f) To maintain the water works system and the sanitary sewer collection system and to construct new water main extensions and new sewer main extensions as required.

g) To keep the Water Utility books and records of account in the manner and form prescribed by the Public Service Commission.

(h) To maintain and keep in effect the necessary insurance coverages in conjunction with other city insurance and to periodically update the City Finance Committee regarding the necessary insurance coverage of the property of the Water Utility and Sewer Utility.

(i) To submit an annual report to the Board of Public Works by January 31st each year.

(j) To prepare and submit an annual budget for the Water Utility and the Sewer Utility pursuant to the provisions of §3.04 of this Code. The budget shall include the recommended water rates and sewer rates for the coming year.

(k) To maintain, through the City Treasurer, the following funds:

(l) Public Works. In the event of an emergency, to expend up to $10,000 for the replacement or repair of equipment and/or other repairs without first obtaining the approval of the Board of Public Works, provided the Board is promptly notified of such action.

(m) To keep the Wastewater Treatment Plant and sanitary sewer lines in good repair and to make any additions or extensions to the same as may be required, but not more than $25,000 shall be expended for maintenance, repairs, additions, or extensions thereof within a calendar year without the permission of the Board of Public Works. In the event of an emergency, to expend up to $10,000 for the replacement or repair of equipment and/or other repairs without first obtaining the approval of the Board of Public Works, provided the Board is promptly notified of such action.”

(n) To review and grant or deny permits required by Ch. 13.

(o) To see to it that the inspections required by Ch. 13 are made.”

(p) To approve or disapprove claims for budget and expenditures of the Water Utility and Sewer Utility.

13.03 JOINT LIABILITY FOR UTILITY BILLS. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the City only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the City. (2033 11/14/2000)

13.04 COLLECTION OF UTILITY BILLS IN ARREARS. (2033 11/14/2000)

(1) AUTHORITY. All water and sewer service charges unpaid and in arrears on October 1 of each year shall be collected in accordance with the procedure hereinafter provided pursuant to the authority granted in §§66.0809 and 66.0821, Wis. Stats., respectively.

(2) PROCEDURE.

(a) On or about October 1 of each year the Public Safety Committee shall compile a list of all unpaid utility bills, including penalties, which are in arrears.

(b) On October 15th of each year the Utility Superintendent shall mail a notice of such arrearages by first class mail to the occupant and to the owner of the premises receiving such utility service.
(c) In the event any such utility bill is not paid by November 1 thereafter, a penalty of 10% shall be added thereto.

(d) In the event any such utility bill is not paid by November 15 thereafter, the Utility Superintendent shall certify and file with the City Clerk a list of all lots or parcels of real estate, giving the legal description thereof, to the owners or occupants of which notice of arrears in payment were given and which still remain unpaid, and stating the amount of such arrears, together with added penalty. The City Clerk, on November 16th, shall place the amount of such arrears, together with penalty on the tax roll as a tax against the lot or parcel of real estate for which water and sewer services were provided.”

13.05 to 13.07 (Reserved)

SUBCHAPTER II: BARABOO WATER UTILITY

13.08 MANAGEMENT. The Baraboo Water Utility shall be under the charge and management of the Board of Public Works, subject to the powers and duties granted to the Utility Commission as provided in Subch. I above. (2033 11/14/2000)

13.09 RULES AND REGULATIONS. (2033 11/14/2000)

(1) GENERAL. The rules and regulations governing the operation of the Baraboo Water Utility shall be those on file with and approved by the Wisconsin Public Service Commission. A violation of any such rules and regulations shall be a violation of this subchapter.

(2) OPERATING RULES.

(a) All persons now receiving water service from the Utility or who may hereafter make application therefore shall be considered as having agreed to be bound by all rules and regulations as filed with the Public Service Commission.

(b) The applicable provisions of Wis. Adm. Code PSC 185 relating to water service are hereby adopted by reference and made a part of these rules as if set forth in full. A violation of such rules shall constitute a violation of this section and shall be punishable as provided in §13.21 of this subchapter.

(3) Connection to Municipal Water System. When property is annexed to the City of Baraboo, and when the property is able to be connected to the municipal water system, such property shall be required to make the connection to the municipal water system upon any of the following conditions being met: (2238 10/10/2006)

(a) A change in ownership of the property.

(b) A change in use of the property.

(c) The expiration of five (5) years from the date of annexation.

13.10 SETBACK FROM WATER MAINS IN PUBLIC RIGHT-OF-WAY. No person, including any public utility, shall lay, place, locate, or relocate any gas, electrical, telecommunications, cable communications, or other main, pipe, or line within five feet of either side of a Baraboo Water Utility water main or lateral within the public right-of-way, without the prior written consent of the Utility Superintendent. Determinations made by the Utility Superintendent may be appealed to the Public Safety Committee, and where, in the judgment of the Public Safety Committee, it would be inappropriate due to special conditions to apply literally the provisions of this subsection, the Public Safety Committee may waive or modify such requirements to the extent deemed just and proper so that substantial justice may be done and the public interest served. Except as provided in Ch. 15, this Subsection shall not apply to City-owned sanitary sewer mains or laterals. (2033 11/14/2000, 2172 12/14/04)

13.11 CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION (2357 03-22-2011)

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

(a) Backflow. The undesirable flow of water or mixtures of water and other liquids, gases or other substances under positive or reduced pressure into the Baraboo Water Utility distribution pipes of the potable supply of water from any source(s).

(b) Backflow preventer. A device or means designed to prevent backflow caused by backpressure or backsiphonage. Most commonly categorized as air gap, reduced pressure principle backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection
vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.

(c) **Backpressure.** An elevation of pressure in the downstream piping system (i.e. pump, elevation of piping, or steam and/or air pressure) above the Utility supply pressure, which would cause, or tend to cause, a reversal of the normal direction of flow.

(d) **Back-siphonage.** The flow of water or other liquids, mixtures or substances into the distribution pipes of the Utility's potable water supply system from any source caused by the sudden reduction of pressure in the Utility potable water supply system.

(e) **Cross-connection.** Any physical connection or arrangement between two (2) otherwise separate systems, one (1) of which contains potable water from the Utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(2) **Cross-connections prohibited.** No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the public water supply of the Utility may enter the supply or distribution system of the Utility, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility and by the State of Wisconsin Department of Natural Resources.

(3) **Inspections.** It shall be the duty of the City of Baraboo Public Safety Committee to cause inspections to be made of all properties serviced by the Utility where cross-connection with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Commission and as approved by the Wisconsin Department of Natural Resources. The Utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the Utility, the Utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a State of Wisconsin Certified Cross-Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber. The frequency of required inspections and re-inspections, based on potential health hazards involved, may be shortened by the Utility. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by Utility personnel for re-inspection due to customer non-compliance and for after-hours inspections or re-inspections.

(4) **Right of entry.** Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Utility for cross-connections. If entry is refused, such representatives shall obtain a special inspection warrant under W.S.A. §66.0119. Upon request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.

(5) **Authority to discontinue service.** The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained and repaired in compliance with this ordinance and Wisconsin Administrative Code NR 811 or if it is found that the means of backflow
prevention required by this ordinance has been removed or bypassed. Water service shall be disconnected only after reasonable notice and opportunity for hearing under Baraboo Code of Ordinances Chapter 6, except as provided in subsection (7) of this section.

(6) **Reconnection of service.** Water service to any property discontinued under the provisions of this ordinance shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the Utility has been installed in compliance with the provisions of this section. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for the reconnection of the water service.

(7) **Emergency discontinuance of service.** If it is determined by the Utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee or occupant shall have an opportunity for hearing under Baraboo Code of Ordinances Chapter 6, within ten (10) days of such emergency discontinuance. Such hearing shall be before the City of Baraboo Administrative Review Committee and shall conform to all existing due process requirements.

(8) **Owner responsibility.** The property owner shall be responsible for the elimination of or protection from all cross-connections on their premises. The owner shall at their expense, have installed, maintained, and tested, any and all backflow preventers on their premises in compliance with Wisconsin Administrative Code NR 811 and Comm 82. The property owner shall correct any malfunction, revealed by periodic testing, of any backflow preventer(s) on their premises. The property owner shall inform the Utility of any proposed or modified cross-connections and also any existing cross-connections, which are not protected by an approved backflow prevention device. The property owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Property owners who cannot shut down operation for testing of the backflow prevention device(s) must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own approved backflow preventer.

(9) **Additional Protection.** In the case of premises having (1) internal cross-connections that cannot be permanently corrected or controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner, that in the opinion of the Utility could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries, plating plants and car wash establishments. In the case of any premises where, in the opinion of the Utility, an undue health threat is posed because of the presence of toxic substances, the Utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Utility.

(10) **Wisconsin Administrative Code.** Comm 82, Wisconsin Administrative Code, is hereby adopted, except any penalty provisions therein. Wisconsin Administrative Code NR 811 is hereby adopted.

(11) **Plumbing Codes.** This section does not supersede the State of Wisconsin Plumbing Code, Comm 81 – 85, or the City Plumbing Code, Chapter 15, Baraboo Municipal Code, but is supplementary to them.

(12) **Recommended Practice.** The property owner will be required to follow the recommended protection practices
described in the American Water Works Association publication #AWWA M14 titled “Recommended Practice for Backflow Prevention and Cross-Connection Control” unless the Utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the Utility.

13.12 PRIVATE WELL ABANDONMENT. (1704 10/05/93)

(1) DEFINITIONS.
(a) "City water system" means the City of Baraboo water utility system operated by the Board of Public Works. (2033 11/14/2000)
(b) "Non-complying" means a well or pump installation which does not comply with the provisions of Ch. NR 812, Wisconsin Administrative Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.
(c) "Pump installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
(d) "Unsafe" means a well or pump installation that produces water which is bacteriology contaminated or contaminated with substances in excess of the standards of Chs. NR 809 or 140, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
(e) "Unused" means a well or pump installation that is not in use or does not have a functional pumping system.
(f) "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.
(g) "Well abandonment" means the filling and sealing of a well according to the provisions of Ch. NR 812, Wisconsin Administrative Code.

(2) APPLICATION OF STATE CODES. Wisconsin Adm. Code NR 812 is hereby adopted by reference and made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by said chapter shall be required or prohibited by this section. Any future amendments, revisions or modifications of NR 812 is incorporated herein and is intended to be made part of this section in order to protect the public health, safety and welfare by assuring that unused, unsafe or non-complying wells or wells which may serve as conduits for contamination or wells which may be illegally cross connected to the City water system are properly abandoned.

(3) ABANDONMENT REQUIRED. All wells located on premises served by the City water system shall be abandoned in accordance with the terms of this ordinance and Ch. NR 812 Wisconsin Administrative Code, by December 31, 1993 or no later than 1 year from the date of connection to the City water system which-ever occurs last, unless a well operation permit has been obtained by the well owner from the Public Safety Committee. (2033 11/14/2000)

(4) WELL OPERATION PERMIT. The Public Safety Committee may grant a permit to a private well owner to operate a well for a period not to exceed 5 years providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The Public Safety Committee, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Utility Superintendent. The following conditions must be met for issuance or renewal of a well operation permit: (2033 11/14/2000)

The well and pump installation shall meet or shall be upgraded to meet the requirements of Ch. NR 812, Wisconsin Administrative Code,

(b) The well construction and pump installation shall have a history of producing bacteriologically safe water as evidenced by at least 2 samplings taken a minimum of 2 weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well,

(c) There shall be no cross connections between the well and pump installation and the City water system, and

(d) The proposed use of the well and pump installation must be justified
as being necessary in addition to or in lieu of water provided by the City water system.

(e) A permit fee as set forth in the City’s Official Fee Schedule shall be paid for each permit application and renewal. (1710 12/1/93)

(5) ABANDONMENT PROCEDURES. All wells abandoned under the jurisdiction of this ordinance shall be abandoned according to the procedures and methods of Ch. NR 812, Wisconsin Administrative Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment. The owner of the well, or the owner’s agent, shall notify the Utility Superintendent at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Utility Superintendent. An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Utility Superintendent and the Department of Natural Resources within 10 days of the completion of the well abandonment.

13.13 USE OF WATER FACILITIES.

(1) PROHIBITED. Except as provided in sub. (2) below, it shall be unlawful for any person to open, injure or meddle with any hydrant, water main, tap, corporation stop, box or cover belonging to the Baraboo Water Utility without first having obtained proper authority therefor from the Utility Superintendent. (2033 11/14/2000)

(2) EXCEPTIONS. Subsection (1) above shall not apply to the use of the said hydrants by any authorized employee of the City or by the City Fire Department.

13.14 BOOSTER PUMPS REGULATED.

(1) APPROVAL REQUIRED. It shall be unlawful for any person to install any booster pump or pumps on any water service line connected to the City water supply without the written approval of the Utility Superintendent and the Plumbing Inspector. (2033 11/14/2000)

(2) CAPACITY LIMITED. No booster pump or pumps on any water service line connected to the City water supply shall be installed if said pump or pumps have a discharge capacity greater than 60% of the available flow at 20 pounds per square inch residual pressure at the proposed location of the pump installation.

(3) PENALTY. In addition to the penalty provided in §13.21 of this subchapter, any person convicted of a violation shall pay to the City any damages caused by the unlawful installation of any pumps.

13.15 OUTSIDE SERVICE LIMITED.

(2378 04/24/2012; 2387 08/28/2012; 2443 07/26/2016, 2467 09/26/17)

(1) The following specific connection charges are established at this time:

(a) Watermain installed in 1995 along the westerly side of USH 12 between Sauk Avenue and Hatchery Road.
   1. The total cost of the watermain improvements was $2,406.60.
   2. The length of benefitting frontage was 150 feet.
   3. The connection fee is hereby established as $16.044 per linear foot.
   4. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer is incorporated herein by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.
   5. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.
   6. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.

(b) Watermain installed in 1995 lying along the east side of Industrial Court from Carpenter Street south 700’ and along the north side of Carpenter Street between Industrial Court and Krista Court.
   1. The total cost of the watermain improvements was $14,160.63.
   2. The length of benefitting frontage was 838.9 feet.
   3. The connection fee is hereby established as $16.88 per linear foot.
   4. The cost of each water service installed was $224.65.
   5. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer is incorporated herein by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.
   6. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.
   7. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.
(c) Watermain installed in 2006 on Carpenter Street between Moore Street and Industrial Court.

1. The total cost of the watermain improvements was $33,044.43.
2. The length of benefitting frontage was 1,295.86 feet.
3. The connection fee is hereby established as $25.50 per linear foot.
4. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer, is incorporated herein by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.
5. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.

6. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.

(d) Watermain installed in 2007 on Carpenter Street between USH 12 and Lisa Court.

1. The total cost of the watermain improvements was $15,775.00.
2. The length of benefitting frontage was 669.28 feet.
3. The connection fee is hereby established as $19.92 per linear foot.
4. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer, is incorporated herein by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.
5. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.

6. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.

(e) Watermain installed in 2007 on City View Road between CTH A (East Street) and Surrey Lane.

1. The total cost of the watermain improvements was $154,158.00.
2. The length of benefitting frontage was 6,384.1 feet.
3. The connection fee is hereby established as $20.79 per linear foot.
4. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer, is incorporated herein by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.

5. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.

6. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.

Since the benefitting properties are currently located in the Town of Baraboo, the connection fees shall be deferred until annexation of said property to the City of Baraboo and subsequent connection to the watermain sewer if not previously connected, in which case it shall be paid in full to the City Treasurer in full within 30 days from the date of invoice, except the following payment options are available:

- **3-year installment agreement for connection fees between $500 and $1,000:** Pay 1/3 down within 30 days from date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1½%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.

- **5-year installment agreement for connection fees over $1,000:** Pay 1/5th down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1½%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.

- **10-year installment agreement for connection fees over $10,000:** Pay 1/10th down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1½%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.

- **Community Development Block Grant for connection fees over $1,000.:** Applicant must be at 80% or less of median income for Sauk County and meet program qualifications. Funds are subject to availability. Application must be made to Community Development Authority and verification of application must be delivered to City Treasurer within 30 days of date of invoice. Interest will be waived during application process.

- **Financial Hardship:** A property owner who has a household income which is 50% or less of the medium income in Sauk County based upon the current published figures, or who is not eligible for a Community Development Block Grant loan as stated above, shall be eligible to repay the City for the connection fee at the rate of $300 per year plus annual interest of 3% until paid. The Community Development Authority staff shall verify low-income eligibility and shall make a
Balance on Tax Roll. If the property owner does not pay in full within 30 days from the invoice date or qualify for an installment plan, the entire balance will be placed on the next tax roll as a special charge for collection with interest added at 1% per month (APR 12%).

In all cases, the deferral of payment shall be become immediately due and payable to the City, without notice, if the property owner defaults in the payment of any installment for a period of 30 days following the specified due date thereof, or if the property owner shall transfer, sell or convey any legal or equitable interest in the lot or parcel subject to the special tax herein. If all or any part of any installment is not made in accordance with the terms of this resolution, the entire unpaid principal balance, together with the accrued interest thereon, shall at the City’s option, be deemed to be delinquent and said amount shall be applied to the current or next property tax roll as a delinquent special tax against the subject lot or parcel of land and immediately upon being placed on the tax roll as a delinquent special tax, interest shall accrue thereon, at the then existing rate for delinquent taxes, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply.

(2) Except as specifically described in this subsection, no other territory, property or person outside the incorporated limits of the City of Baraboo shall be connected to the City Water service. Pursuant to §66.0813. Stats., the City hereby restricts its holding out to provide water service in unincorporated areas to the territory specifically set forth as follows: (1494 02/23/88, 1596 03/12/91, 1754 07/19/94)

(1) The West 360 feet of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section Twenty-four (24), Township Twelve (12) North, Range Six (6) East, Except the South 145 feet thereof. (Ramsey) 1986.

(2) Part of the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼ ), Section 24, Town 12 North, Range 6 East, beginning 887.45 feet South of the Northwest corner, thence South 130 feet, thence East 360 feet, thence North 130 feet, thence West 360 feet to the place of beginning. (Quandt) 1986.

(3) Lot ONE (1), G&B Subdivision, located in the NW1/4 SW1/4 Section 24-12-6, Town of Fairfield, Sauk County, Wisconsin. (Fortier) 1986.

(4) Lot Three (3), G&B Subdivision, located in the NW1/4 SW1/4 Section 24-12-6, Town of Fairfield, Sauk County, Wisconsin. (Fortier) 1986.

(5) The East four hundred (400) feet of the Northwest quarter of the Southwest Quarter (NW ¼ SW ¼ ) of Section 24, Town 12 North, Range 6 East. (Circus City) 1986.

(6) The East 8 rods of the South 20 rods of the Southwest quarter of the Northwest Quarter (SW ¼ NW ¼ ) of Section 24, Township 12 North, Range 6 East. (Matejka) 1986.

(7) The West ten (10) acres of the East twenty (20) acres of the Southeast Quarter of the Northwest Quarter (SE ¼ NW ¼ ) of Section twenty-four (24), Township twelve (12) North, of Range six (6) East. (Phippen) 1986.

(8) The South 320 feet of the East 270 feet of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), Section 24, Township 12 North, Range 6 East, Sauk County, Wisconsin. (Stevens) 1988.

(9) A parcel of land in the NE ¼ NE ¼ Section 3, Town 11 North, Range 6 East more particularly described as follows:

Beginning at a point on the existing City limits, which point is on the centerline of Moore Street, which point in on the East line of said NE ¼ NE ¼ , which point is 1726.23 feet N0` - 07' - 16"E from the East one-quarter corner of aforesaid Section 3; thence N89` - 29' - 14" W 182.5 feet; thence N0` -07' - 16" E 525 feet; thence S89` - 29' -14"E 182.5 feet; thence S0` -07' -16"W 525 feet to the point of beginning.

(10) Also a parcel of land in the SE ¼ SE ¼ Section 34, Town 11 North, Range 6 East, more particularly described as follows:

Beginning at the Southeast corner of said Section 34, which point is the centerline of Moore Street; thence N89` - 11' -39" W 165 feet; thence N0` - 11' -50" E 240 feet, more or less, to the Southerly right-of-way line of the Chicago and Northwestern Transportation Company; thence Southeasterly along said right-of-way line to the East line of said SE ¼ SE ¼, thence S0` - 11' - 50" W to the point of beginning. (Moore St. south of RR)

(11) A parcel of land located in Section 34, Town 11 North, Range 6 East more particularly described as follows:

Beginning at the Southeast corner of Section 34, T12N, R6E; thence North along the East line of
said section approximately 325 feet to the intersection of the North Right of Way line of the Chicago and Northwestern Transportation Company said point being the point of beginning, thence continuing North along the East line of Section 34, 525 feet, thence West 148.5 feet, thence South 460 feet plus or minus to the North ROW line of the Chicago and Northwestern Transportation Company right of way, thence southeasterly along said row approximately 155 feet to the point of beginning. (Moore St. north of RR)

(12) A parcel of land located in Section 26 Town 12 North, Range 6 East, more particularly described as follows:

Beginning at the Northeast corner of the NE ¼ SE ¼ Section 26 thence West along the north line of said ¼ ¼ section 600 feet, thence South 330 feet, thence East 350 feet, thence South 630 feet, thence West 350 feet, thence South 300 feet, thence East 600 feet plus or minus to the East line of said ¼ ¼ section, thence North along the East line of said ¼ ¼ section to the point of beginning. (East Street)

(13) The incorporated Village of West Baraboo. 1935.

(14) Commencing at the Southwest corner of the Southwest Quarter of the Northwest Quarter (SW ¼, NW ¼), Section Twenty-four (24), Township Twelve (12) North, Range Six (6) East, (being the intersection of the Town Road running east and west thru the middle of Section 24), thence east 40 rods to the point of beginning; thence north 20 rods; thence east 16 rods; thence south 20 rods; thence west 16 rods to the point of beginning, being two acres. (Perez) 1989.

(15) A parcel of land located in Section 24, Town 12 North, Range 6 East, more particularly described as follows:
The North one-half of the South one-half of the Southwest Quarter of the Northwest Quarter (SW1/4, NW1/4), Section Twenty-Four (24), Township (12) North, Range Six (6) East, except lands conveyed to Sauk County for highway purposes.

(16) A 10.46-acre parcel of land located in Section 24, Town 12 North, Range 6 East, more particularly described as follows: Lot 2 of Sauk County Certified Survey Map No. 5557 in the Town of Fairfield, Sauk County, Wisconsin.

See Map Below.
OUTSIDE WATER SERVICE AREA "C"

- CARPENTER ST
- MOORE ST
- SAUK AVE

Areas 9, 10, and 11 are marked on the map.
13.16. USE OF WATER DURING WATER EMERGENCY (1715 12/22/93)

(1) DEFINITIONS

(a) Water Emergency. Any natural disaster or manmade calamity including flood, storm, conflagration, cyclone, tornado, earthquake or explosion, or failure of power supply or any other occurrence that results in the interruption or impairment of the City's water service to such an extent that extra ordinary measures must be taken to protect the public health, safety and welfare in order to prevent or mitigate the interruption or impairment of water service.

(b) Water Customer. Any person, owner or occupant, firm, partnership, corporation, municipality, cooperative organization, governmental agency, political entity, etc. provided with water service or receiving water service by or from the City of Baraboo Water Utility.

(2) APPLICATION OF REGULATIONS. The provisions of this section shall apply to all water customers both in and outside the City and regardless of whether any water customer shall have a contract for water service with the City Water Utility.

(3) DECLARATION OF WATER EMERGENCY. The following provisions shall apply in the event of a water emergency:

(a) The Mayor, or the Emergency Government Director in the absence of the Mayor, or the Common Council, may proclaim a state of water emergency for the City of Baraboo Water Utility if he or she determines that a water emergency exists. The duration of such state of water emergencies shall not exceed 30 days unless extended by resolution of the Common Council after considering the recommendation of the Public Safety Committee. A copy of the proclamation shall be filed with the City Emergency Government Director, the Utility Superintendent and shall be posted in 3 public places. A proclamation of a state of water emergency shall be deemed in effect immediately upon the posting of the proclamation in 3 public places. Such proclamation may be rescinded by the Mayor or the Emergency Government Director in the absence of the Mayor, or by the Common Council at any time. (2033 11/14/2000)

(b) Any such proclamation of a water emergency may further provide for the rationing of water and may prohibit specific water customers from using City water during the water emergency. In determining those water customers who may use water and those customers who shall not use water during a state of water emergency, the proclamation shall consider whether the water usage is essential or non-essential usage from the standpoint of the public health, safety and welfare. The following uses by water customers are determined to be
essential uses listed in order of decreasing priority:

1. Fire protection.
2. Medical care providers such as hospitals, nursing homes and other institutions caring for the sick and elderly.
3. Domestic use for cooking and drinking and drinking water by employees of commercial businesses and industries.
4. Industries who are water customers and use water for processing animal, vegetable and mineral matter for producing food for human consumption.

The following uses by water customers are determined to be nonessential listed in order of increasing priority:

1. Flushing of streets, skating ponds, dust control, etc.
2. The filling of swimming and wading pools, the sprinkling, watering or irrigation of shrubbery, trees, lawn grass or other vegetation, or the operation of any ornamental fountain or other structure making a similar use of water.
3. The washing of automobiles, trucks, trailers or any other type of mobile equipment.
4. The washing of the inside and outside of office buildings and dwellings.
5. The washing and cleaning of any business or industrial equipment and machinery.
6. Commercial and industrial water customers using water as an integral part of the manufacturing process for cooling, cleaning, production, etc.
7. Occasional domestic use of water for minimal cleanliness such as bathing and washing of clothes. The proclamation may specify which, if any, essential uses of water may be permitted during any water emergency and may prohibit any water customer from using any water during a specified period of time. The proclamation may include such orders as is deemed necessary for the protection and security of the public health, safety and welfare.

(4) Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction or by the Public Service Commission, such portion(s) shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portion(s) thereof.

(5) Penalty. Any water customer or any person who violates any order, or proclamation made pursuant to this Ordinance shall, upon conviction thereof, forfeit no more than $10,000.00 for each such offense and each gallon of water used by a water customer or person in violation of any such order or proclamation shall constitute a separate offense.

13.17 INSPECTIONS, REPAIR AND MAINTENANCE OF WATER UTILITY EQUIPMENT, APPARATUS AND WORKS.
(1814 06/13/95)

(1) STATE REGULATIONS ADOPTED. Wis. Admin. Code, Subchapter XI-Distribution Systems, NR 811.61 through NR 811.71 and §196.117, Wis. Stats. are hereby adopted and by reference made a part of this Chapter with the same force and effect as though set out in full. The Utility Superintendent shall enforce the provisions thereof. Any act required to be performed or prohibited by said Code provisions incorporated by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the Wis. Admin. Code provisions incorporated herein are intended to be made part of this section. Failure to comply with any of the provisions of such regulations shall constitute a violation of this Chapter, punishable according to the penalties provided herein. (2033 11/14/2000)

(2) DEFINITIONS. In this Section "fire hydrant" shall mean a hydrant satisfying the minimum specifications set forth in NR 811.64 Wis. Admin. Code.

(3) REGULATION OF FIRE HYDRANTS. No person shall install a fire hydrant connected to the Baraboo Water Utility distribution system unless the fire hydrant has been pre-approved by the Utility Superintendent or by such other person authorized by the Superintendent to
grant such approval. (See also Ch. 5 of the Code). (2033 11/14/2000)

(4) INSPECTIONS AUTHORIZED. Any officer, agent or employee of the Baraboo Water Utility may enter, at any reasonable time, any building, place or premises supplied with water by the Utility for the purpose of inspecting, examining, repairing, testing, installing, maintaining or removing meters, pipes, fittings, wires, fire hydrants, mains, apparatus, appliances or water works system for supplying or regulating the supply of water or for the purpose of ascertaining the quantity of water supplied, or for the purpose of ascertaining compliance with this chapter.

(5) PROOF OF AUTHORIZATION TO ENTER PROPERTY. No officer, agent or employee of the Baraboo Water Utility may enter any premises pursuant to this section unless the officer, agent or employee: (2033 11/14/2000)

(a) Was duly appointed by the Public Safety Committee for the purpose of acting under this section; and

(b) Exhibits written authority signed by the Utility Superintendent or the Chairperson of the Public Safety Committee.

(6) CORRECTION OF VIOLATIONS. Whenever any inspection made under this section reveals a violation of this chapter, the Utility Superintendent or the person making the inspection shall personally deliver or mail by certified mail, return receipt requested, a written compliance order to the owner of the property and to the occupant of the property if the property is occupied by a person not the owner thereof, giving said persons a reasonable time, not to exceed 60 days, to correct all violations. If a violation is not corrected within the grace period allowed, a second written compliance order shall be personally delivered or mailed by certified mail, return receipt requested, to the same persons giving said persons an additional grace period not to exceed 30 days, to correct the violations. If any violation is not corrected within the grace period allowed, a second written compliance order, a citation may be issued to the owner of the property and to the occupant of the property. Each individual violation on a property and each day any such violation continues after the grace period allowed in the second notice shall constitute a separate offense. In addition, the Superintendent may report all such violations to the City Attorney who shall be authorized to bring an action to enjoin the violation, or to cause such building or premises to be made to comply with this Chapter, together with a penalty as provided by §25.04 of this Code. (2033 11/14/2000)

(7) SPECIAL CHARGES FOR INSPECTIONS AND FOR CORRECTING NON-COMPLIANCE. A special charge as set forth in the City's Official Fee Schedule shall be imposed for the second and each subsequent inspection where the first inspection reveals that the owner or occupant of the property has not corrected the violations contained in the compliance order. The owner and occupant of each property inspected shall be jointly and personally liable for the charge. In addition, if the owner or occupant of the premises fails, neglects or refuses to comply with the correction order, the Water Utility shall be authorized to make the necessary repairs and corrections and the City shall be entitled to recover the actual costs thereof, plus the inspection charge, as a special charge for current services as provided in §66.0627 Wis. Stats. If the charge is not paid within 30 days of the date of billing, an additional administrative collection charge of 10 percent of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid and such charge shall be extended upon the current or next tax roll as a charge against the subject property for current services as provided in Chapter 66, Wis. Stats. (2033 11/14/2000)

(8) ENTERING BUILDINGS AND PREMISES. No person shall directly or indirectly deny, prevent, hinder or obstruct any officer, agent or employee of the Baraboo Water Utility from entering a building or premises for the purpose of undertaking activities authorized by this section. The Utility Superintendent shall be deemed a peace officer for the purpose of applying for, obtaining and executing a special inspection warrant pursuant to §66.0119, Wis. Stats. (2033 11/14/2000)

(9) DISCLAIMER ON INSPECTIONS. The purpose of the inspections, examinations, testing, repair, maintenance and installations authorized by this section are to improve the quality of water services supplied to buildings and premises served by the Utility. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed as, a warranty or guarantee. In order to advise owners, occupants and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of the inspection contained herein are intended to report conditions of non-compliance with code standards that are readily apparent at the time of the inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed premises. Neither the City, Board of Public Works, nor
Water Utility make any warranty or representation, express or implied, that its inspection of the property has discovered all defects or all code violations, or all hazards or that this report contains a complete list of all code violations existing on the property inspected herein. (2033 11/14/2000) provisions of this Code, nor shall any occupancy permit under Ch. 14 of this Code be issued for any property that contains any outstanding violations of this Chapter.

(10) LICENSE OR PERMIT WITHHELD. No license shall be granted or renewed for the operation of any trade, profession, business or privilege for which a license is required by any special and extenuating circumstances necessarily postpone the installation of the AMR technology, the Baraboo Water Utility incurs additional labor and vehicle costs to read those meters and process those bills. The Wisconsin Public Service Commission has ruled that customers who receive a non-standard meter service must be charged for the additional cost of the non-standard service.

(2) The proposed non-standard meter service charge is based on cost estimates for manual reading and billing each meter on a quarterly basis. Actual costs for manual reading will be tracked and the quarterly charge will be evaluated as part of every future rate increase application. The charge could increase or decrease in the future based on the actual costs incurred by the Utility.

13.18 NON-STANDARD METER SERVICE

(1) The Baraboo Water Utility has installed new water meters with automated meter reading (AMR) technology. However, where

<table>
<thead>
<tr>
<th>Procedures</th>
<th>Average Time</th>
<th>Cost per Hour</th>
<th>Estimated Charge</th>
</tr>
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<td>Reading the Meter</td>
<td>15 minutes</td>
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<tr>
<td>Manual Entry into Billing System</td>
<td>10 minutes</td>
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<tr>
<td>Vehicle Charge</td>
<td>15 minutes</td>
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<td>$3.30</td>
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<td>Billing Service Setup</td>
<td>1/80 of 20 yr cycle*</td>
<td>$2,400.00 **</td>
<td>$15.00 ***</td>
</tr>
</tbody>
</table>

* Estimate Billing Software lasts 20 years = 80 billing cycles
** Civic Systems billed Utility to modify billing system for Public Fire Protection Charge
*** Cost divided by billing cycles divided by 2 customers

13.19 to 13.20 (Reserved)

13.21 PENALTY. Any person who shall violate any provision of this subchapter, or any order, rule or regulation thereunder shall be subject to a penalty as provided in §25.04 of this Code.

SUBCHAPTER III: BARABOO SEWER UTILITY

13.22 MANAGEMENT. The Baraboo Sewer Utility shall be under the charge and management of the Board of Public Works, subject to the powers and duties granted to the Public Safety Committee as provided in Subchapter I above. (2033 11/14/2000)

13.23 SETBACK FROM SEWER MAINS IN PUBLIC RIGHT-OF-WAY. No person, including any public utility, shall lay, place, locate, or relocate any gas, electrical, telecommunications, cable communications, or other main, pipe, or line within five feet of either side of a Baraboo Sewer Utility sewer main within the public right-of-way, without the prior written consent of the Utility Superintendent. Determinations made by the Utility Superintendent may be appealed to the Public Safety Committee and where, in the judgment of the Public Safety Committee, it would be inappropriate due to special conditions to apply literally the provisions of this subsection, the Public Safety Committee may waive or modify such requirements to the extent deemed just and proper so that substantial justice may be done and the public interest served. Except as provided in Ch.15, this Subsection shall not apply to the Water Utility’s water mains or laterals. (2033 11/14/2000, 2172 12/14/04)
13.24 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this sub-chapter shall be as follows:

(1) APPROVING AUTHORITY. The Council or its duly authorized deputy, agent or representative.

(2) BOD (BIOCHEMICAL OXYGEN DEMAND). The quantity of organic matter as determined under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter.

(3) BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

(4) BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

(5) COMBINED SEWER. A sewer receiving both surface runoff and sewage.

(6) COMPATIBLE POLLUTANTS. BOD, suspended solids, phosphorus, pH and/or fecal coliform bacteria, plus such additional pollutants identified in the WPDES permit for the publicly owned treatment facilities receiving the pollutants, providing such facilities were designed to treat such additional pollutants and, in fact, does remove such pollutants to a substantial degree.

(7) GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(8) INCOMPATIBLE POLLUTANTS. Pollutants in the waste water that will adversely affect or disrupt the quality of waste water treatment if discharged to the waste water treatment facility.

(9) INDUSTRIAL USER. Any non-governmental user of publicly owned treatment works as identified in the Standard Industrial Classification manual, Office and Management Budget, 1972, as amended and supplemented through October 1, 1981, under the following divisions:
   (a) Division A - Agriculture, Forestry and Flushing
   (b) Division B - Mining
   (c) Division D - Manufacturing
   (d) Division E - Transportation, Communications, Electric, Gas and Sanitary Services
   (e) Division I - Services

   A user in any Division listed may be excluded from classification if it is determined that such user will primarily introduce segregated domestic wastes or wastes from sanitary conveniences.

(10) INDUSTRIAL WASTES. The liquid waste from industrial manufacturing processes, trade wastes or business wastes as distinct from sanitary sewer.

(11) LICENSED DISPOSER. A person holding a license to dispose of septage under §146.20(3)(a), Wis. Stats.

(12) MAJOR CONTRIBUTING INDUSTRY. An industry that:
   (a) Has a flow of 10,000 gallons or more per average work day; or
   (b) Has a flow greater than 5% of the flow carried by the municipal system receiving the waste; or
   (c) Has a material in its discharge which is included on a list of toxic pollutants issued under §147.07(1), Wis. Stats.; or
   (d) Has significant impact, either singularly or in combination with other contributing industries, on the treatment works or the quality of its effluent.

(13) NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(14) NONCITY CUSTOMER. Any person or group of persons receiving waste water collection and treatment facility services whose property or properties receiving such services is not within the corporate limits of the City.

(15) NORMAL DOMESTIC STRENGTH SEWAGE. Sewage with concentrations of BOD no greater than 300 milligrams per liter (mg/l) and suspended solids no greater than 240 milligrams per liter (mg/l).

(16) OPERATIONS AND MAINTENANCE COSTS. The actual sums spent by the City in the operation and maintenance of its waste water facilities, consisting of, but not limited to, each and all of the following purposes:
   (a) Wages, salaries, and other related expenses for operating, maintenance, clerical, laboratory and supervisory personnel, together with fringe benefits and premiums for worker's compensation insurance.
   (b) Electrical power.
   (c) Chemicals, fuel and other operating supplies.
(d) Repairs to, and maintenance thereof, of the equipment associated therewith.
(e) Premiums for hazard insurance.
(f) Premiums for insurance providing coverage against liability for the injury to persons and/or property.
(g) Rents and leasing costs.
(h) Operation, licensing and maintenance costs for trucks and equipment.
(i) Consultant and legal fees.
(j) Replacement and costs.
k) Cleaning and maintenance of sewer lines.
(l) Cleaning and maintenance of lift stations.
(17) PARTS PER MILLION. A weight ration. The parts per million value multiplied by the factor 8.34 shall be the equivalent of the number of pounds per million gallons of water.
(18) pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
(19) PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
(20) PUBLIC SEWER. Any sewer provided by, or subject to the jurisdiction of, the City.
(21) REPLACEMENT COSTS. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment facilities to maintain the capacity and performance for which such facility was designed and constructed. Operation and maintenance costs include replacement costs.
(22) DEBT SERVICE CHARGE. A charge levied on users for debt retirement. The total debt retirement shall be divided by the number of gallons of water used and a charge per 100 gallons be established.
(23) RESIDENTIAL EQUIVALENT CONNECTION (REC). The amount of sewage contributed to the system from a single-family residence based on the following criteria that shall be recomputed each year:

\[
\text{Flow} = \frac{\text{Amount of water used by single-family units}}{\text{Total number of single-family units}}
\]

(24) SANITARY SEWAGE. A combination of the water carried wastes from residences, business buildings, institutions and industrial establishments.
(25) SANITARY SEWER. A sewer that carries sanitary sewage and to which storm surface ground waters are not intentionally admitted.
(26) SANITARY SEWER CONNECTION CHARGE. A charge assessed customers for connecting to public sanitary sewers that discharge to the City Waste Water Treatment Facility.
(27) SEPTAGE. Scum, liquid, sludge or other waste from a septic tank, soil absorption field holding tank, vault toilet or privy; it does not include waste from a grease trap.
(28) SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.
(29) SEWAGE WORKS. All facilities for collecting, pumping, treating and disposing of sewage.
(30) SEWER. A pipe or conduit for carrying sewage.
(31) SEWER SERVICE CHARGE. A service charge levied on users of the waste water collection and treatment facilities for the payment of capital related expenses and operation and maintenance expenses of said treatment facilities and the maintenance expenses of sewer lines which are a part of the collection system. The sewer service charge shall be based on a cost per 100 gallons of flow. The user charge covering the operation, maintenance and replacement costs is a part of the sewer service charge.
(32) SLUG. Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow causes the capacity of a public sewer to be exceeded or which adversely affects the operation of the sewage treatment plant.
(33) STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of "Standard Method for the Examination of Water, Sewage and Industrial Wastes," published jointly by the American Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Associations.
### Storm Drain
A pipe which carries storm and surface waters or drainage, but excludes sanitary sewage and industrial wastes other than unpolluted cooling water.

### Storm Water Runoff
That portion of the rainfall that is drained into the storm drain.

### Superintendent
The City Engineer or his authorized deputy, agent or representative.

### Surcharge
An additional charge related to industrial wastes being discharged by any user having unusual characteristics such as excessive BOD, excessive suspended solids or excessive other pollutants.

### Suspended Solids (SS)
Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

### Unpolluted Water
Water of a quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefited by discharge to the sanitary sewers and waste water treatment facilities provided.

### User
Any person discharging domestic waste water or industrial wastes in the collection system.

### User Charge
A charge levied on users of the waste water collection system and the waste water treatment facilities as a part of the sewer service charge for payment of operation and maintenance of said facilities.

### Utility
The City Sewer Utility.

### Waste Water (Sewerage)
The spent water of the community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water or storm water which may be present.

### Waste Water Facilities
The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

### Waste Water Treatment Facilities
An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes this is used as synonymous with waste treatment.

### Watercourse
A channel in which a flow of water occurs either continuously or intermittently.

### Reserve Capacity Assessments
(1589 03/12/91)

1. For all sanitary sewer additions made after July 1, 1986, there is hereby levied and assessed upon each lot or parcel of land currently within the City which does not have an existing connection to the waste water facilities and upon lands subsequently attached to the City by annexation or for the purpose of using the waste water facilities a reserve capacity assessment (RCA). Such RCA charge shall be payable to the City as herein provided and shall be made on the basis of one RCA charge for each residential equivalent connection (REC) to the waste water facilities. Said charge shall be as set forth in the City's Official Fee Schedule per each REC and shall be credited to the sewer debt fund.

2. Any person connecting to a sanitary sewer constructed by the City shall pay a minimum connection fee as set forth in the City's Official Fee Schedule for each connection unless special assessments in a greater amount been levied upon the parcel, in which case the larger amount shall be paid. This connection shall be in addition to the assessment under sub. (1). The connection fee shall be paid to the City Treasurer before any lot or parcel of land, or part thereof, is connected to the sanitary sewer. Said payment shall be credited to the sewer general fund.

3. For the purpose of this subchapter, sewer connections in the City shall be classified as existing connections or future connections. Existing connections shall include those in existence and connections for which a sewer connection permit has been issued and construction started as of July 1, 1982. Future connections shall be those not in existence as of July 1, 1982.

4. The RCA for a single-family residence shall be set by the Council in a separate action. The City Engineer shall determine the residential equivalency units for all other categories of buildings. Special charges may be determined by the Council for large commercial or industrial users.

5. There shall be no RCA charge for existing connections. Payments of the RCA charge for future connections shall be paid in full upon the issuance of a building permit.

### Installation of Sewer Laterals

1. Construction Standards. Sewer laterals shall be constructed by the property owner in accordance with standards
13.27 SEWER SERVICE CHARGE.

(1) BASIS FOR SEWER SERVICE CHARGES. The sewer service charge shall be based on the debt service charge plus the sewer user charge. If any person discharging sewage into the public sewer system procures any part or all of his water from sources other than the City Water Utility, that person shall furnish, install and maintain, at his expense, a meter for the purpose of determining the volume of sewer discharged into the City sewerage system. These charges shall be determined as follows:

(a) Debt Service Charge. A debt service charge is hereby imposed upon all users of the sewerage system based upon the metered water used thereon or therein as calculated by the City Water Utility. On or before November 1 of each year, the Public Safety Committee shall re-compute the debt service charge per 100 gallons of water used. This charge shall be computed by dividing the annual debt service of the sewage works by the previous year's average water consumption. The residential water consumption for sprinkling, any refrigeration, air conditioning system, or industrial cooling water not entering the sewerage system and separately metered or specific consumption determined shall not be used in computing the debt service charge.

(b) Sewer Use Charge.

1. A sewer use charge is hereby imposed upon all users of the sewerage system based upon the metered water used thereon or therein, as calculated by the City Water Utility. On or before November 1 of each year, the Public Safety Committee shall re-compute the sewer charge per 100 gallons of water used. This charge shall be computed by dividing the proposed net yearly operation and maintenance budget as provided in §13.24(16) of this subchapter by the previous year's average water consumption. The residential water consumption for sprinkling, any refrigeration, air conditioning system, or industrial cooling water not entering the sewerage system and separately metered or specific consumption determined shall not be used in computing the sewer use charge. The City shall maintain a proportionate distribution of the operation and maintenance costs among user classes. Any excess revenues included in the operation and maintenance budget and collected from a particular user class shall be credited to that user class for the next year's calculation of the sewer use charge.

(2) INDUSTRIAL AND COMMERCIAL CHARGES FOR OTHER THAN DOMESTIC WASTE WATER. Charges for waste water other than domestic waste water shall be based on flow, BOD, suspended solids and such other constituents which affect the cost of collection and treatment. All persons discharging wastes into the Waste Water Facilities are subject to surcharge, in addition to any other waste water service charge, if their waste water has a concentration greater than domestic waste water concentrations. The volume of flow used for computing waste surcharges shall be the metered water consumption, or the actual volume of waste as determined by an industrial waste metering installation. The amount of surcharge shall reflect the cost incurred by the City in removing BOD, suspended solid, and/or other pertinent constituents. The surcharge shall be computed according to the formula contained in the

(3) UNIQUE USERS. The City may, at any time hereafter, establish additional rates for any large commercial service, industrial use or any other unique user that does not readily fit into other user categories.

(4) EXCESS FLOW CHARGES. Any customers discharging wet weather flows exceeding 100 gallons per capita per day (gcd) after adjustments for any significant large users shall be charged an excess flow charge. Charges shall be based on metered flows and the prevailing rate at that time. This charge shall be billed to the customer on a quarterly basis along with the user charges.

13.28 ANNUAL BUDGET AND METHOD OF PAYMENT OF CHARGES.

(1) Annually before October 1, the Public Safety Committee shall prepare a budget for the following fiscal year. The budget shall be separated into two sections, the first for operation and maintenance and the second for debt service. (2033 11/14/2000)

(2) Revenues for the operation and maintenance budget shall include any projected year end balance, excluding depreciation and replacement funds; operating fund investment income; contract revenues; permit fees; ready-to-serve charges; special rates; and sewer use charges.

(3) Expenditures for the operation and maintenance budget shall include all costs defined in §13.24(16) of this subchapter plus any projected year end deficit.

(4) The operation and maintenance budget shall be balanced with the sewer use charge per 100 gallons, increased if necessary, so that projected revenues equal projected expenditures.

(5) Revenues for the debt service budget shall include any projected year end balances in the debt service sinking funds, projected year end balances in the special assessment funds, transfers from the tax incremental financing fund, projected residential equivalency charge, sinking fund interest income, reserve capacity assessments and property taxes.

(6) Expenditures for the debt service budget shall include principal, interest, premiums, paying agency fees, and other expenses related to debt.

(7) Projected revenues for the debt service budget shall exceed projected expenditures for 25% by increasing the debt service charge, pursuant to §13.27(1)(a) of this subchapter, until revenues are 125% of expenditures.

(8) Sewer service charges may be billed quarterly and shall be payable at the City Treasurer's office or at any other officially designated location. Statements for such charges and assessments levied and assessed in accordance with this subchapter shall become due and payable within 20 days from and after the date of the statement. In the event that any such statement or statements are not paid when due, a penalty compatible to that levied to water statements shall be added thereto.

(9) The property owner is held responsible for all sewer bills on premises or properties he owns. All sewer bills and notices of any nature relative to the sewer service shall be addressed to the owner and/or occupant of the property. All sewer bills will be delivered to the addressee by first class mail or personally delivered. (See §§13.01 and 13.02 of this chapter.)

(10) Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for the payment of sewer rates within the prescribed period nor exempt any person from any penalty imposed for delinquency in the payment thereof.

(11) The City shall, at least annually, notify the users of current or any change in the portion of sewer service charge and debt service charge attributable to waste water treatment service.

13.29 ACCOUNTS AND FUNDS.

(1) The operation and maintenance fund shall be used for payment of any items defined in §13.24(16) of this subchapter.

(2) The debt service fund shall contain the revenues transferred from special assessments, tax incremental financing funds, property taxes, debt service charges, reserve capacity assessments and other sources intended for debt. This fund shall be used only for the payment of principal and interest and fees directly related to the debt payment.

(3) The depreciation fund shall contain an appropriation from the operation and maintenance fund which shall be used for the following purposes:
(a) Cost of the replacement of existing sewer mains.
(b) Cost of the substitution of larger size sewer mains for existing mains.

c) Cost of new primary sewer mains and installation of the same in excess of such charge or cost payable to statutory assessment.

d) Cost of road repair required by such construction.

e) Cost of contracted engineering services to insure a planned program.

(f) Cost of repairs, renewals or expansion of the wastewater facilities in excess of $5,000.

(4) The replacement fund shall contain an appropriation from the operation and maintenance fund which will be used for equipment replacement of the waste water treatment facility.

13.30 USE OF PUBLIC SEWERS REQUIRED.

(1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City any human or animal excrement, garbage or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting on any street, alley or right of way in which there is now located or planned to be located a public sanitary sewer of the City is hereby required, at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this subchapter within 90 days after date of official notice to do so.

13.31 PRIVATE SEWAGE DISPOSAL.

(1) Where a public sanitary or combined sewer is not available under the provisions of §13.30(4) of this subchapter, the building sewer shall be connected to a private sewage disposal system complying with the provisions of State law.

(2) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this subchapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable materials, except that in the case where gravity sewer service is not available, the property may be served by a private sewage disposal system.

(3) When public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned and sludge and filled with clean bank run gravel or dirt, except as exempted in sub. (2) above. Upon the annexation of property to the City of Baraboo, and when the property is able to be connected to the municipal sewage system, such property shall be required to make the connection to the municipal sewage system upon any of the following conditions being met: (2238 10/10/2006)

(a) A change in ownership of the property.
(b) A change in use of the property.
(c) The expiration of five (5) years from the date of annexation.

(4) The owner shall operate and maintain the private sewage disposal facility in a sanitary manner at all times at no expense to the City.

13.32 LATERAL CONNECTIONS.

(1) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance whereof without first obtaining a written permit from the Utility Superintendent. (See §13.26 of this subchapter) (2033 11/14/2000)

(2) There shall be 2 classes of lateral permits:

(a) Residential and commercial service.
(b) Service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Utility Superintendent. (2033 11/14/2000)

(3) All costs and expense incident to the installation, connection and maintenance of the lateral shall be borne by the owner. The
owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the lateral.

(4) A separate and independent lateral and building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Utility Superintendent, to meet all requirements of this subchapter. (2033 11/14/2000)

(6) The size, slope, alignment, materials of construction of laterals and building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the State Plumbing Code.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the lateral into the public sewer shall conform to the requirements of the State Plumbing Code. All such connections shall be made gas tight and watertight.

(10) The applicant for the building sewer permit shall notify the Superintendent when the lateral is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Utility Superintendent or his/her representative. (2033 11/14/2000)

(11) No user shall allow others or other services to connect to the sewer system through his lateral or building sewer.

13.33 USE OF THE PUBLIC SEWERS.

(1) No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or un-polluted industrial process waters to any sanitary sewer.

(2) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Public Safety Committee. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Public Safety Committee, to a storm sewer, combined sewer or natural outlet. (2033 11/14/2000)

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having pH lower than 5.5 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, dishes, cups, milk containers, either whole or ground by garbage grinders.

(4) No person shall discharge, or cause to be discharged, the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Public Safety Committee, that such wastes can harm either the sewers, the sewage treatment process or equipment, have an adverse effect on the receiving stream, or
can otherwise endanger life, limb, public property or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Public Safety Committee shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are as follows: (2033 11/14/2000)

(a) Any liquid or vapor having a temperature higher than 150° F (65° C).

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F (0° and 65° C).

(c) Any garbage that has not been properly shredded.

(d) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic sub-stances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

(e) Materials which exert or cause unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to adversely affect the operation of the sewage treatment works.

(f) Materials which exert or cause unusual volume of flow or concentration of wastes constituting slugs, as defined herein.

(g) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the other agencies having jurisdiction over discharge to the receiving waters.

(5) If any waters or wastes are discharged, or are proposed to be discharged into the public sewers, which waters contain the substances or possess the characteristics enumerated in sub. (4) above and which, in the judgment of the Public Safety Committee, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Commission may: (2033 11/14/2000)

(a) Reject the wastes; and/or

(b) Require pretreatment to an acceptable condition for discharge to the public sewers; and/or

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of sub. (9) below. If the Public Safety Committee permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Public Safety Committee and subject to the requirements of all applicable codes, ordinances and laws. (2033 11/14/2000)

(6) Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Safety Committee, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Committee and shall be located as to be readily and easily accessible for cleaning and inspection. (2033 11/14/2000)

(7) Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) When deemed necessary by the Public Safety Committee, a suitable control manhole shall be constructed on a building sewer carrying industrial wastes and such manhole shall contain such necessary meters, equipment and other appurtenances to facilitate observation, sampling and measurement of the wastes. The construction cost and maintenance cost of the manhole shall be levied against the property as a special assessment and paid to the City as stipulated by the Council. (2033 11/14/2000)

(9) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern.
13.33A FATS, OIL, AND GREASE MANAGEMENT AT FOOD SERVICE ESTABLISHMENTS (2477 02/27/2018)

(1) Applicability. This section applies to any industrial, commercial, or institutional (ICI) food service establishment associated with food preparation, food service and/or kitchen cleanup. If a food service establishment is limited to service that does not involve disposing of food waste or food preparation cleanup waste into the sewerage system, then this section does not apply.

(a) Residential discharge. Residents are governed generally by Code Section 13.33 which prohibits the discharge of any pollutant or wastewater that will negatively affect the sewer collection system and/or POTW and receiving waters.

(2) Grease removal devices. ICI food service establishments (FSEs) which discharge any fats, oils and grease associated with food preparation, food service and kitchen cleanup shall adhere to Code Section 13.33(6). Grease and oil interceptors or traps shall be provided when, in the opinion of the general manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil (interceptors shall not be required for residential users). The plumbing inspector of the municipality in which the FSE resides must approve the installation of any grease removal device.

(a) Grease removal devices are the property of the FSE; therefore, the FSE is responsible for proper sizing and installation of a device by a licensed plumber that ensures acceptable FOG removal to prevent any discharge to the sewer system.

(b) FSE’s shall ensure adequate cleaning and maintenance of any grease and oil interceptors, as necessary, to keep the removal devices in proper working order. This includes, but is not limited to:
   1. Following manufacturer’s recommendations;
   2. Following all applicable best management practices (BMPs)(subsection(c));
   3. Frequent pumping and cleaning by a licensed waste grease hauler and/or recycler;
   4. Keeping accurate and current records of all cleanings, maintenance, and service;
   5. Maintenance and pumping records must be available for review by the utility upon request. FSE’s causing sewer blockage or maintenance issues may be required to submit maintenance, cleaning, and pumping documentation to the utility.

(c) Best management practices. All FSEs shall implement best management practices for food service establishments as established by the utility:
   1. Train all staff on BMPs.
   2. Collect and recycle waste cooking oil.
   3. “Dry wipe” pots, pans, and kitchen equipment before cleaning.
   4. Inspect and clean grease traps and interceptors regularly.
   5. Post “NO GREASE” signs above sinks and on the front of dishwashers.
   6. Dry mop, wipe down, and wash all kitchen equipment inside, including mats, carts, tray racks, exhaust filters, etc.
   7. Use absorbent paper under fryer baskets and absorbents such as cat litter or paper towels to pick up oil and grease spills before mopping. Dispose of greasy paper and waste in the garbage.
   8. Do not use emulsifiers or solvents other than typical dishwashing detergents.

(d) BMP enforcement If the FSE is found to be the cause of backups or blockages of the sewer system because of FOG due to lack of a grease removal device or improper maintenance of a grease removal device located in their establishment, the FSE may become responsible for cleanup costs and property damage, and shall be required to make any necessary changes to prevent another such occurrence. This may include any combination of the following at the FSE’s expense:
   1. Installation of a grease removal device;
   2. Upgrading or increasing the capacity of a current grease removal device; or
   3. Increasing maintenance of a current grease removal device
   4. The municipal building inspector or designee must approve the installation of any grease removal device.

(e) Inspection. The utility reserves the right to inspect the FSE, as often as necessary, for anything, related to FOG discharge, including, but not limited to, files and records, sources of FOG, grease removal devices located both inside and outside of the establishment, the manhole downstream of the establishment, etc. It will be required that a knowledgeable employee of the establishment is present and accompanies the utility representative on these inspections and provides the necessary documentation to prove proper function and compliance.

(f) Survey. The utility representative shall distribute educational material, signage, BMPs and a food service establishment survey. Within 30 calendar days, the FSE shall submit the completed food service establishment survey to the utility.
   1. The report can be faxed, emailed or mailed to the utility.
   2. The utility shall provide survey forms for reporting the information required by subsection (f).

(g) FOG discharge limit waiver If a FSE is implementing the best management practices required by subsection (c), above, and is operating and maintaining the grease removal device required by subsection (b), above then any numerical discharge limit for fats, oil and grease
(FOG) established in any other section of this chapter does not apply.

**13.33B AMALGAM MANAGEMENT AT DENTAL OFFICES** (2478 02/27/2018)

(1) DEFINITIONS. For the purposes of this section the following words and phrases shall be as defined herein.

(a) **Amalgam Separator.** A device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

(b) **Amalgam Waste.** Includes, but is not limited to, noncontact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

(c) **ISO 11143** The International Organization for Standardization’s standard for amalgam separators. Amalgam separators meeting ISO 11143 standards accomplishes ninety-five percent (95%) or greater mercury removal efficiency.

(2) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following waste management practices:

(a) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.

(b) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer containing solutions, and shall maintain training records that shall be available for inspection by the Utility Superintendent or designee during normal business hours.

(c) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.

(d) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.

(e) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.

(3) All owners and operators of dental suction systems shall comply with the following:

(a) An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system on or before December 31, 2018; provided, however, that all dental facilities that are newly constructed and after the effective date of this ordinance shall include an installed ISO 11143 certified amalgam separator device. The installed device must be ISO 11143 certified as capable of removing a minimum of ninety-five percent (95%) of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.

(b) Proof of certification and installation records shall be submitted to the Utility Superintendent by December 31, 2018, or within thirty (30) days of installation for new sources.

(c) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be maintained for a minimum of five (5) years and shall be made available to the Utility Superintendent or designee for inspection and copying within 72-hours upon request.

(d) Dental offices shall obtain from contractors used to remove amalgam waste the records for each shipment showing the following:

1. The volume or mass of amalgam waste shipped.
2. The name and address of the destinations.
3. The name and address of the contractor.

These records shall be maintained for five (5) years and made available to the Utility Superintendent or designee for inspection and copying within 72-hours upon request.

(e) Dental clinics shall allow the Utility Superintendent or designee to inspect the vacuum system, amalgam separator, amalgam waste storage area, and other areas deemed necessary to determine compliance with this section. Inspections shall occur by appointment during the normal operating hours of the dental clinic as long as advance notice does not impede enforcement of this section.

(4) Failure to comply with sections (2) and (3) by December 31, 2018, shall result in the owner, agent and/or tenant of the dental facility being subject to the penalties found in §13.40 of this Code. All dental facilities that handle amalgam wastes shall additionally comply with all additional state and federal regulations, as now exist or may be enacted in the future regarding the disposal of said wastes.

**13.34 POWERS AND AUTHORITY OF INSPECTORS.** (2033 11/14/2000)

(1) The Utility Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this subchapter. The Utility Superintendent or his/her representatives shall have no authority
to inquire into any industrial processes beyond that point having a direct bearing on the kind of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in sub. (1) above, the Utility Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employee and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury property damage asserted against the company and growing out of gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(3) The Utility Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

13.35 RESIDENTIAL EQUIVALENCY CHARGE

CHART. The following list is the assigned Residential Equivalent Connection to be used when and where required.

<table>
<thead>
<tr>
<th>Category</th>
<th>Equivalent Connection</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Single-family dwelling</td>
<td>One REC</td>
</tr>
<tr>
<td>(2) Duplex, condo, townhouse</td>
<td>One REC</td>
</tr>
<tr>
<td>(3) Apartment, mobile home</td>
<td>0.67 REC for each unit</td>
</tr>
<tr>
<td>(4) Hotel or motel</td>
<td>0.20 REC for each unit</td>
</tr>
<tr>
<td>(5) Church</td>
<td>One REC</td>
</tr>
<tr>
<td>(6) Funeral home</td>
<td>One REC</td>
</tr>
<tr>
<td>(7) Greenhouse</td>
<td>One REC</td>
</tr>
<tr>
<td>(8) Garage/filling station</td>
<td>One REC</td>
</tr>
<tr>
<td>(9) Car wash, automatic</td>
<td>6 REC</td>
</tr>
<tr>
<td>(10) Car wash, self serve</td>
<td>One REC for each stall</td>
</tr>
<tr>
<td>(11) Beauty parlor, barber shop</td>
<td>One REC for each 3 stations</td>
</tr>
<tr>
<td>(12) Bowling alleys</td>
<td>0.33 REC for each lane</td>
</tr>
<tr>
<td>(13) Restaurants/Tavern</td>
<td>0.034 REC per seat</td>
</tr>
<tr>
<td></td>
<td>(2240 10/24/2006)</td>
</tr>
<tr>
<td>(14) Doctors and dentists</td>
<td>One REC for each 2 doctors</td>
</tr>
<tr>
<td>(15) Offices</td>
<td>One REC for each 20 employees</td>
</tr>
<tr>
<td>(16) Halls</td>
<td>One REC for each 20 capacity</td>
</tr>
<tr>
<td>(17) Nursing homes</td>
<td>0.33 REC for each unit</td>
</tr>
<tr>
<td>(18) Laundromats</td>
<td>One REC for each washing machine</td>
</tr>
</tbody>
</table>

| (19) Schools, without shower      | One REC for each 75 students|
| (20) Schools, with shower         | One REC for each 50 students|
|                                   | Additional for food preparation One REC for each 200 meals|
| (21) Travel trailer dumping station | One REC for each station|
| (22) Campsite                    | 0.6 for each site       |
|                                   | (1590 3-12-91)         |

Any category of users not listed shall be assigned a REC by the City after a recommendation by the City Engineer. This list may be revised and updated from time to time.

13.36 SEPTAGE DISPOSAL.

(1) REGULATED. No person, including State of Wisconsin licensed disposers, shall dispose of septage into any storage area or sewer manhole located within the sewer service area of the City without written approval of the Public Safety Committee.

(2) APPLICATION FOR SEPTAGE DISPOSAL. Between August 1 and September 1 of each year every licensed disposer wishing to discharge septage to the Baraboo wastewater treatment works shall file a non-refundable filing fee and an application in writing to the Public Safety Committee in such a form as is prescribed for that purpose. During the months of July and August, forms for such application will be furnished at the office of the Utility Superintendent. The application must state fully and accurately the type, frequency, quantity, quality and location of generated septage to be disposed at the Baraboo Wastewater Treatment Works. During the month of September, the Public Safety Committee will evaluate the applications and make a determination as to the amount and conditions of septage disposal at the Baraboo Wastewater Treatment Works. The Commission shall approve or reject all applications by October of each year. If the wastewater treatment facility cannot accept all the proposed septage disposal then consideration shall be given first to those generators of septage that are within the sewer service area.

(3) APPROVALS CONDITIONED. All approvals for septage disposal shall have the conditions that any time the wastewater treatment works has operational problems, maintenance problems, or threat of a WPDES permit violation that are indirectly or directly related to septage disposal, the Public Safety Committee may immediately restrict septage disposal until such time as corrective action or mitigating measures have been taken.
(4) SEPTAGE ACCEPTANCE LOCATION. Septage shall only be discharged to the City’s sewerage system by City approved and State of Wisconsin licensed disposers and at locations, times, and conditions as specified by the Public Safety Committee. Septage discharges to City specified manholes may, under special circumstances, be allowed provided discharge rates are restricted as necessary to facilitate mixing, prevent a backup in the receiving sewer and prevent a slug load to the wastewater treatment facility. Discharges may be limited to the normal working hours of the wastewater treatment facility and require written documentation of the discharge to be submitted to the facility operator within one working day of the discharge to the tributary sewers or Baraboo Wastewater Treatment Facility. Blanks for documentation of the discharge will be furnished at the wastewater facility and shall include the following: (2033 11/14/2000)

(a) Name, address, and telephone number of the hauler.
(b) License number.
(c) Type of septage.
(d) Quantity of septage.
(e) Estimated quality of septage.
(f) Location, date, time, and feed rate of discharge to the sewerage system.
(g) Source of septage.
(h) Name and address of septage generator.
(i) Other information required by the Public Safety Committee. (2033 11/14/2000)

(5) CONTROL OF SEPTAGE WASTES. If any septage is discharged, or proposed to be discharged, to the public sewers or at the wastewater treatment facility, which contains substances or possesses the characteristics enumerated in §13.33(4) of this Chapter and which, in the judgment of the Public Safety Committee, may have deleterious effects upon the wastewater treatment facility, processes, equipment, or receiving waters, or which otherwise creates a hazard to life, health, or constitutes a public nuisance, the Sewer Commission may: (2033 11/14/2000)

(a) Reject the wastes.
(b) Require pretreatment to an acceptable condition for discharge to the public sewers.
(c) Require a control over the quantities and rates of discharge.
(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of §13.33(9) of this Chapter. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Public Safety Committee. Testing facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the Public Safety Committee. Access to sampling locations shall be granted to the Public Safety Committee or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken. Fees for disposal of septage shall be set by the Public Safety Committee and shall reflect the cost of treatment. (2033 11/14/2000)

(6) REVOCATION OF APPROVAL. Any licensed disposer discharging to the wastewater treatment facility or to a public sewer, found to be violating any provision of this section or of any conditions of the Public Safety Committee approval for septage disposal, may have his approval immediately revoked. The revocation shall be in writing and state the reason for revoking the septage disposal approval. Any person aggrieved by revocation may appeal to the Council within 10 days. (2033 11/14/2000)

13.37 CUSTOMERS OUTSIDE THE CITY LIMITS.

(1) WEST BARABOO.

(a) Capital Outlay Charge. The Village of West Baraboo shall pay 10.428% of the cost of the construction of the Wastewater Treatment Facility and any capital outlay associated therewith. The various amounts shall become due as various contractors are paid. The percentage figure is based on the population proportion. This percentage figure shall be adjusted with each new Federal or special census.

(b) Sewer Use Charge. The Village of West Baraboo shall pay a sewer use charge based on the meter reading at the westerly City limits. Such fee shall be based on a charge per 100 gallons used. The sewer use charge shall be computed in relation to the operation and maintenance budget.

(2) FUTURE SANITARY DISTRICT OR COMMUNITY CONNECTIONS TO THE CITY SEWERAGE SYSTEM.
(a) A contract shall be prepared which shall include such district or community's fair share of the capital outlay and investment in the Wastewater Treatment Facility.

(b) A sewer charge shall be based on a cost per 100 gallons of water used with all water being metered or in relation to REC.

(3) OUTSIDE SERVICE TO INDIVIDUALS RESTRICTED.

(a) No private individual outside the City limits shall connect to the sanitary sewage system, except those persons owning real estate in the unincorporated area described in par. (b) below.

(b) The incorporated and unincorporated areas that may receive sanitary sewerage service from the City now includes, and is limited to, the following parcels of land:

1. **Unincorporated.** A parcel of land in the NE 1/4 NE 1/4 Section 3, Town 11 North, Range 6 East more particularly described as follows:

   Beginning at a point on the existing City limits, which point is on the centerline of Moore Street, which point is on the East line of said NE 1/4 NE 1/4, which point is 1726.23 feet N0° -07' -16" E from the East one-quarter corner of aforesaid Section 3; thence N89° -29' 14" W 182.5 feet; thence N0° -07' -16"E 525 feet; thence S89° -29' -14"E 182.5 feet; thence S0° -07' -16"W 525 feet to the point of beginning.

   Also a parcel of land in the SE 1/4 SE 1/4 Section 34, Town 11 North, Range 6 East, more particularly described as follows:

   Beginning at the Southeast corner of said Section 34, which point is the centerline of Moore Street; thence N89° -11' -39"W 165 feet; thence N0° -11' -50"E 240 feet, more or less, to the Southerly right-of-way line of the Chicago and Northwestern Transportation Company; thence Southeasterly along said right-of-way line to the East line of said SE 1/4 SE 1/4; thence S0° -11' -50" W to the point of beginning. (Moore St. south of RR)

   2. **Incorporated.** The incorporated Village of West Baraboo.

(4) CITY RETAINS OWNERSHIP OF TREATMENT FACILITY. The City shall remain full owner of the Wastewater Treatment Facility and any payments made toward capital outlay by others shall be deemed to give no equity whatsoever in the City system and shall only be construed to be a part of the cost of the operation of the system.

(5) The following specific connection charges are established at this time:

(a) Sanitary Sewer installed in 1995 along the westerly side of USH 12 between Sauk Avenue and Hatchery Road.

1. The total cost of the sanitary sewer improvements was $3,010.05.
2. The length of benefitting frontage was 150 feet.
3. The connection fee is hereby established as $20.607 per linear foot.
4. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer is incorporated herein by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.
5. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.

6. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.

Since the benefitting properties are currently located in the Town of Baraboo, the connection fees shall be deferred until annexation of said property to the City of Baraboo and subsequent connection to the sanitary sewer if not previously connected, in which case it shall be paid in full to the City Treasurer in full within 30 days from the date of invoice, except the following payment options are available:

- **3-year installment agreement for connection fees between $500 and $1,000.** Pay 1/3 down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1½%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.

- **5-year installment agreement for connection fees over $1,000.** Pay 1/5th down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1½%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.

- **10-year installment agreement for connection fees over $10,000.** Pay 1/10th down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1½%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.

- **Community Development Block Grant for connection fees over $1,000.** Applicant must be at 80% or less of median income for Sauk County and meet program qualifications. Funds are subject to availability. Application must be made to Community Development Authority and verification of application must be delivered to City Treasurer within 30 days of date of invoice. Interest will be waived during application process.

- **Financial Hardship.** A property owner who has a household income which is 50% or less of the medium income in Sauk County based upon the current published figures, or who is not eligible for a Community Development Block Grant loan as stated above, shall be eligible to repay the City for the connection fee at the rate of $300 per year plus annual interest of 3% until paid.

(b) Sanitary Sewer installed in 1995 lying along the east side of Industrial Court from Carpenter Street south 700' and along the north side of Carpenter Street between Industrial Court and Krista Court.

1. The total cost of the sanitary sewer improvements was $13,218.24.
2. The length of benefitting frontage was 838.9 feet.
3. The connection fee is hereby established as $15.94 per linear foot.
4. The cost of each water service installed was $328.00.
5. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer is incorporated herein by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.
6. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.
7. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.

(c) Sanitary Sewer installed in 2006 on Carpenter Street between Moore Street and Industrial Court.

1. The total cost of the sanitary sewer improvements was $29,390.10.
2. The length of benefitting frontage was 1,295.86 feet.
3. The connection fee is hereby established as $22.68 per linear foot.
4. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer is incorporated herein by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.
5. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.
6. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.
The Community Development Authority staff shall verify low-income eligibility and shall make a recommendation as to such eligibility to the City Council. If there is an outstanding balance at the time of sale of the property, the remaining balance shall become due. A property owner requesting financial hardship eligibility shall submit a copy of their current year State of Wisconsin tax return if filed, or otherwise show proof of annual household income.

• Balance on Tax Roll. If the property owner does not pay in full within 30 days from the invoice date or qualify for an installment plan, the entire balance will be placed on the next tax roll as a special charge for collection with interest added at 1% per month (APR 12%).

In all cases, the deferral of payment shall be become immediately due and payable to the City, without notice, if the property owner defaults in the payment of any installment for a period of 30 days following the specified due date thereof, or if the property owner shall transfer, sell or convey any legal or equitable interest in the lot or parcel subject to the special tax herein. If all or any part of any installment is not made in accordance with the terms of this resolution, the entire unpaid principal balance, together with the accrued interest thereon, shall at the City’s option, be deemed to be delinquent and said amount shall be applied to the current or next property tax roll as a delinquent special tax against the subject lot or parcel of land and immediately upon being placed on the tax roll as a delinquent special tax, interest shall accrue thereon, at the then existing rate for delinquent taxes, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply.

13.38 SANITARY SEWER CONNECTION CHARGE FOR LANDS SERVED BY THE BARABOO NORTHEAST QUADRANT SANITARY SEWER SYSTEM. (2113 02/11/03)

(1) BACKGROUND AND PURPOSE. In the City of Baraboo 1992 Comprehensive Master Plan, it was projected that residential development would occur to the north and east of the City along the County Highway T corridor. The Master Plan projected that the development of this area for residential purposes was well suited because the land was well drained, has the benefit of nearly exclusive gravity sewer flow, and the City’s existing water storage facilities can be used to accommodate residential development. The Master Plan stated that gravity sewer collection is more economical to implement and maintain. The development of the lands lying east of County Highway T began in 1995 when certain lands lying east of County Highway T were annexed into the City.

In 1995, the City of Baraboo commenced a two-phase sanitary sewer project intended to serve the future development of lands lying east of County Highway T (Taft Avenue) and also certain lands lying west of County Highway T and north of 12th Street. This project has been designated as Phase I of the Baraboo Northeast Quadrant Sanitary Sewer Project. Phase I of this project involved the construction of a public sanitary sewer main on the west side of County Highway T commencing at a point 720 feet north of 12th Street and proceeding northeast therefrom to a point along the boundary of the First Addition to Active Living Options Subdivision. This phase of the project has been designated as the Phase II Baraboo Northeast Quadrant Sanitary Sewer Project.

In 2000, the City of Baraboo Common Council authorized the commencement of a condemnation proceeding to install a public sanitary sewer main commencing at a point 720 feet north of 12th Street and proceeding northeast therefrom to a point along the boundary of the First Addition to Active Living Options Subdivision. This phase of the project has been designated as the Phase II Baraboo Northeast Quadrant Sanitary Sewer Project.

In the Phase II Baraboo Northeast Quadrant Sanitary Sewer Project, the City entered into a development agreement with Active Living Options - RWW, LLC, which agreement provided that the City would pay the first $50,000 of the Phase II sanitary sewer construction project and Active Living Options would pay the balance. Active Living Options has reimbursed the City for its share of the Phase II costs in the sum of $43,692. The agreement between the City and Active Living Options provides that Active Living Options shall be reimbursed for up to 50% of the amount paid by Active Living Options based upon future connections to the Northeast Quadrant system over a five (5) year period pursuant to a formula established by the Public Service Commission in the Wisconsin Administrative Code, Ch. PSC 187, entitled Sewer Main Extension Cost Recovery. The agreement is on file in the office of the Baraboo City Clerk. The maximum amount that Active Living Options can be reimbursed under the agreement is 50% of the total amount paid or up to a maximum of $21,846.

The total cost advanced by the City for the Phase I and Phase II Baraboo Northeast Quadrant Sanitary Sewer Project was $85,087, plus the potential maximum reimbursement to Active Living Options - RWW, LLC, of $21,846, for a total estimated cost of $106,933. The City has determined that the Phase I and Phase II Baraboo Northeast Quadrant Sanitary Sewer Main can provide gravity
sanitary sewer service to a territory approximately 337 acres in size. This territory is referred to herein as the Baraboo Northeast Quadrant Sanitary Sewer Territory. The purpose of this ordinance is to set a sewer connection charge to recover the actual expenditures incurred by the City in Phase I and Phase II of the Baraboo Northeast Quadrant Sanitary Sewer Project within a period of 10 years from the effective date of this ordinance. In order to recover the costs advanced by the City, the City hereby elects to proceed under the provisions of §66.0821, Wis. Stats., and to thereby establish the Baraboo Northeast Quadrant Sanitary Sewer Connection Charge. The City has determined that the connection charge should be paid on a per acre basis. Portions of an acre shall be paid on a pro-rata basis. The charge shall be paid on a per-acre basis on any lands located within the City and also located within the Baraboo Northeast Quadrant Sanitary Sewer Territory upon the occurrence of any of the following events, whichever occurs first:

(a) Approval of a final subdivision plat or Certified Survey Map, or
(b) Approval or granting of a conditional use permit special zoning exception, or issuance of a building permit.

This connection charge shall be in addition to any and all sewer service or connection fees imposed by other provisions of the City of Baraboo Municipal Code. The sanitary sewer connection charge imposed by this section is a sanitary sewer rate charged by the City and is not intended to be a charge levied as a special assessment. To establish the area subject to the connection charge, the City followed the proposed Sanitary Sewer Service Area Plan, which plan identifies the amount of residential growth that the City will likely experience in the next 20 years and where this growth is likely to occur. The proposed Sanitary Sewer Service Area Plan identifies a significant portion of the area served by the Baraboo Northeast Quadrant Sanitary Sewer main as a projected growth area under the City's proposed Sanitary Sewer Service Area Plan. The connection charge per acre has been calculated with the intent of recovering all costs actually expended by the City for the Baraboo Northeast Quadrant Sanitary Sewer Project within a 10-year period. Therefore, the City has determined that a connection charge shall be imposed for the first 169 acres subject to the connection charge. Based upon the foregoing, the City has determined that a fair and reasonable connection charge is $635 per acre to be paid as provided in Subs. (3) hereof.

(2) DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this subsection of the Baraboo Code shall be as follows:

(a) Northeast Quadrant Sanitary Sewer Territory.
An area of land in Sections 25, and 36 T12N, R6E and Sections 30, and 31, T12N, R7E, Sauk County, Wisconsin, described as follows:
Commencing at the southeast corner of Section 25; thence westerly along the south line of the SE ¼ of Section 25 a distance of 250 feet to the point of beginning of this description:

Thence north to the south line of the NE¼ of the SE¼ of Section 25; thence west along said south line southeast corner of the Highland Addition to the City of Baraboo; thence northerly along the easterly line of said subdivision to the southeast corner of the 1st Addition to the Highland Addition to the City of Baraboo; thence north along the eastern boundary of the 1st Addition to the Highland Addition to the northeast corner of the 1st Addition to the Highland Addition; thence west along the north border of said 1st Addition to the southeast corner of CSM 2528; thence northerly along the east line of CSM 2528 to the southwest corner of the SE¼ of the NE¼ of Section 25; thence northerly 1000 ft. along the west line of the SE¼ of the NE¼ of Section 25; thence east to the east line of the SE¼ of the NE¼ of Section 25; thence south along said east line 330 feet; thence east to the east line of the of the NW¼ of Section 30 T12N, R7E, thence south to the southeast corner of said NW¼; thence east along the north line of the NW¼ - SE¼ to the northeast corner of said NW¼ - SE¼ of Section 30, T12N, R7E; thence south along the east line of said SE¼ to the north line of Section 31, T12N, R7E; thence westerly along said north line 1500 feet; thence
south 250 feet; thence west 750 feet; thence south 200.00 feet; thence west 900 feet; thence south 200.00 feet; thence west 400 feet more or less to the west line of the NW ¼ of the NW ¼ of Section 31, T12N, R6E; thence west 250 feet; thence north to the point of beginning.

To be excluded from this description are all lands contained within the Active Living Options Subdivision.

A map is attached as an Appendix to this Ordinance.

(b) **Northeast Quadrant Sanitary Sewer Main.** The public sanitary sewer main installed by the City commencing on the east side of County Highway T (Taft Avenue) at a point 720 feet north of 12th Street and proceeding north therefrom to 15th Street and also proceeding easterly and northeasterly therefrom through an easement in the NW ¼ of Section 31, T12N, R7E, Town of Greenfield, Sauk County, Wisconsin, to a point along the boundary of the 1st Addition to the Active Living Options Subdivision.

(c) **Northeast Quadrant Sanitary Sewer Connection Charge.** A special sanitary sewer rate applied by the City to lands within the Northeast Quadrant Sanitary Sewer Territory and lawfully annexed into the City of Baraboo. This special sanitary sewer connection charge is a sewer rate applied pursuant to the provisions of Section 66.0821, Wis. Stats., and shall be in addition to all other sanitary sewer charges or connection fees imposed by other provisions of the Baraboo Municipal Code.

(3) **BARABOO NORTHEAST QUADRANT SANITARY SEWER CONNECTION CHARGE.**

(a) A Northeast Quadrant Sanitary Sewer connection charge of $635 per acre, on a pro-rata basis, shall be paid to the City by the property owner of any lands within the City and within the Northeast Quadrant Sanitary Sewer Territory upon the occurrence of any one of the following events, whichever occurs first:

1. Approval of a final subdivision plat.
2. Approval of a Certified Survey Map.
3. Granting of a Conditional Use Permit or Special Zoning Exception.
4. Issuance of a building permit.

All lands included within a subdivision plat, Certified Survey Map, conditional use permit, special zoning exception, or building permit application shall be subject to the charge.

(b) The City Treasurer shall maintain a record of all Northeast Quadrant Sanitary Sewer connection charges paid to the City. When the City has been paid the principal sum of $85,087, plus the actual amount reimbursed to Active Living Options – RWW, LLC, the Northeast Quadrant Sanitary Sewer connection charge shall terminate.
13.40 **PENALTY.**

(1) Any person found to be violating any provisions of this subchapter shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided in sub. (1) above shall, upon conviction thereof, forfeit an amount not exceeding $5,000 for each violation, together with the costs and assessments as provided by §25.04(1) of this Code. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this subchapter shall become liable to the City for any expense, loss or damage occasioned by reason of such violation.

**SUBCHAPTER IV: BARABOO STORMWATER UTILITY**

**FINDINGS AND DECLARATIONS OF POLICY.** The City of Baraboo finds that the management of stormwater and other surface water discharges within and beyond the City of Baraboo is a matter that affects the health, safety and welfare of the City, its citizens and businesses, and others in the surrounding area. Failure to effectively manage stormwater affects the sanitary sewer utility operations of the city by, among other things, increasing infiltration to the sanitary sewer. In addition, surface water runoff creates erosion of lands, damages businesses and residences, and creates sedimentation and other environmental damage in the City of Baraboo. In order to protect the health, safety, and welfare of the public, the City of Baraboo is exercising its authority to establish a Stormwater Utility for stormwater management services. The City is acting under the authority of Chs. 62.04, 62.11, 62.16, 62.175, 62.18, 66.0621, 66.0627, 66.0809, 66.0811, and 66.0821.

**ESTABLISHMENT.** There is hereby established a stormwater utility in the City of Baraboo. The operation of the stormwater utility shall be under the supervision of the City Engineer.

**AUTHORITY.** The city, acting through the stormwater utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities, operations and activities, as are deemed by the city to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation due to enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls, ponds,
streets, roads, ditches and such other facilities as will support a stormwater management system.

13.44 **INTERPRETATION.** In their interpretation and application, the provisions of this Ordinance shall be interpreted liberally to secure the ends sought hereby and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

13.45 **SEVERABILITY OF ORDINANCE PROVISIONS.** If any section, provisions or portion of this Ordinance is adjudged unconstitutional or invalid by a court, the remainder of this Ordinance shall not be affected thereby.

13.46 **DEFINITIONS.** The following terms, whenever they occur in this Ordinance, are defined as follows:

1. **CHARGE.** Charge means the fee imposed under this chapter for the rendering of Stormwater Utility services by the City.

2. **DEVELOPED PROPERTY.** A property shall be considered to be developed if:
   
   (a) A certificate of occupancy has been issued for a building or structure on the property or, if no certificate of occupancy has been issued, upon substantial completion of construction or final inspection; or
   
   (b) Construction of an improvement on the property is at least fifty (50) percent completed and such construction has ceased for a period of at least 3 months, whether consecutive or not.

3. **EQUIVALENT RUNOFF UNIT or "ERU."** ERU means the basic unit by which the Stormwater Utility charge is calculated under this section. It is the statistical average horizontal impervious area of residential living units within the City of Baraboo on the date of the establishment of the Stormwater Utility. The horizontal impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways, sidewalks, pavement, compacted clay, and gravel.

4. **IMPERVIOUS AREA.** Impervious area means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rain water. The term includes, without limitation due to enumeration, all areas covered by structures, roof extensions, patios, porches, driveways, parking lots, pavement, gravel, compacted clay, loading docks and sidewalks, all as measured on a horizontal plane.

5. **LIVING UNIT.** Living unit means a room or group of rooms including cooking accommodations, occupied by one family, and in which not more than two persons, other than members of the family, are lodged or boarded for compensation at any one time.

6. **MULTI-FAMILY UNIT.** Multifamily unit means any residential property comprised of two or more living units, including duplexes and condominiums.

7. **NONRESIDENTIAL PROPERTY.** Nonresidential property means a lot or parcel of land, with improvements such as a building, structure, grading or substantial landscaping, which is not exclusively residential as defined herein, including, but not limited to, commercial, industrial, institutional, mixed-use, and govern-mental property, and excluding publicly-owned right-of-way and publicly-owned or privately-owned rail beds.

8. **PARCEL.** Parcel means all contiguous lands under identical ownership. A railroad right-of-way, river, stream or any other public right-of-way shall constitute a break in contiguity.

9. **RESIDENTIAL PROPERTY.** Residential property means a lot or parcel of land developed exclusively for residential purposes, including single-family units and duplexes not exceeding one acre in area, and multifamily units. The term includes manufactured homes.

10. **RIGHT-OF-WAY.** Right-of-Way means a platted parcel of land that contains all or in part, a street, drainageway, sidewalk, bike path, or other public way, whether improved or un-improved, which has been designated on the City’s official map adopted under Wis. Stat. § 62.23 that has been dedicated to the public or is otherwise owned by the City of Baraboo.

11. **SINGLE FAMILY UNIT.** Single family unit means any residential property, including manufactured homes, consisting of one dwelling unit.

12. **STORMWATER UTILITY.** Stormwater Utility means the utility established under this chapter for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.

13. **UNDEVELOPED PROPERTY.** Undeveloped Property means property that is not developed by the addition of any improvement such as a building, structure, grading, substantial landscaping, or any other impervious area that increases stormwater runoff.
13.47 **BASIS OF CHARGE.** By this ordinance, the Common Council is establishing the rate classification and basis for computation of charge for stormwater services for each lot and parcel within the City of Baraboo. The actual charges to be imposed pursuant to these rate classifications, and any future changes in those rates, shall be made by resolution. A schedule of current rates, following approval by the Common Council shall be maintained and on file in the office of the City Engineer. All charges established pursuant to this chapter shall be fair and reasonable.

EQUIVALENT RUNOFF UNIT CHARGE (ERU). An equivalent runoff unit charge may be imposed on all property. The ERU charge shall be assessed based upon the impervious area as reasonably determined by the City Engineer.

13.48 **CUSTOMER CLASSIFICATION.**

1. CUSTOMER CLASSES. For the purposes of imposing the stormwater charges, all lots and parcels within the City area classified into the following five (5) customer classes.

   a. Residential – Single Family
   b. Residential – Multi-Family [two (2) or more living units]
   c. Non-Residential
   d. Undeveloped
   e. Right-of-Way

2. PARCEL CLASSIFICATION. The City Engineer shall assign a customer classification to each lot and parcel within the City of Baraboo.

3. ERU. The ERU is established to be 2,379 square feet.

13.49 **CHARGE FORMULAS.**

1. RESIDENTIAL – SINGLE FAMILY. The charges imposed for single family residential properties shall be one ERU times the number of living units, i.e.

   Single family parcel charge = 1 x ERU fee

2. RESIDENTIAL – MULTI-FAMILY [Two (2) or more living units]. The charges imposed for residential properties with two or more living units shall be the fee of 0.67 of one ERU per living unit existing on the property, i.e.

   Multi-family parcel charge = 0.67 x ERU fee x number of dwelling units

3. NON-RESIDENTIAL. The charges imposed for contiguous non-residential properties held by a common owner shall be the fee for one ERU, multiplied by the numerical factor obtained by dividing the total square footage of impervious area of the property by the square footage of one ERU. The factor shall be rounded down to the nearest one-tenth (0.1), i.e.

   Non-residential parcel charge = ERU fee x parcel impervious area ÷ 2,379 ft²

4. UNDEVELOPED. The charges imposed for undeveloped parcels as defined herein that are not 100% pervious shall be the fee of one ERU.

   Undeveloped parcel charge = 1 x ERU fee

   The charges imposed for undeveloped parcels as defined herein that are 100% pervious shall be exempt from any stormwater fee.

5. RIGHT-OF-WAY. Right-of-Way shall be exempt from any and all storm water fees.

6. MINIMUM CHARGE. The minimum charges for any lot or parcel charged a fee shall be equal to one (1) ERU, unless said lot or parcel is otherwise exempt.

7. IMPERVIOUS AREA MEASUREMENT. The City Engineer shall be responsible for determining the impervious area of nonresidential parcels based on the best available information, including, but not limited to, data supplied by the City Assessor, City Engineer, aerial photography, property owner, tenant, or developer. The City Engineer may require additional information as necessary to make the determination. The number of ERUs shall be updated by the City Engineer based on any additions to the impervious area as approved through the building permit process.

13.50 **FEES.** The Common Council shall, by resolution, set or adjust the service charge, ERU fee, and special charge to reflect the costs of the stormwater management program. Stormwater fees will be kept on file with the city clerk and City Engineer.

13.51 **ADJUSTMENTS.**

1. ADJUSTMENTS. A Customer may be eligible to have the number of ERUs assigned to their property adjusted under the conditions described below:

   a. Nonresidential Property

      Nonresidential customers who believe the number of ERUs allocated to their property to be incorrect may submit an adjustment request to the City Engineer in writing. The allocated ERUs may be adjusted if the owner can provide...
information showing the square footage calculation as determined in §13.49(6) is incorrect.

(2) REVIEW PROCEDURE.

(a) Within thirty (30) days of the submission of a request to the City Engineer for an adjustment to the number of ERUs allocated to the property, the City Engineer shall issue a written recommendation as to whether the request for adjustment should be granted, denied or granted in part. The written recommendation shall also set forth the reason or reasons for such recommendation. The recommendation shall be sent to the customer by certified mail, and shall be provided to the Public Safety Committee of the Baraboo Common Council.

(b) Within thirty (30) days of receipt of the written recommendation from the City Engineer, the Public Safety Committee shall review the recommendation. The customer shall be notified of the review by certified mail.

(c) Upon review, the Committee shall determine whether the recommendation should be approved, rejected, or modified. The customer shall be allowed to present evidence at the hearing. The final determination of the Committee shall be in writing and set forth, in detail, the reason or reasons for its decision and shall inform the customer by certified mail.

(d) In reviewing a recommendation, the Committee shall apply the considerations set forth in Wis. Stat. §66.0821(4)(c).

(3) EFFECTIVE DATE. Any ERU adjustment or reduced multiplier granted shall thereafter be used to calculate the stormwater fee. The reduction shall only apply for the period of time subsequent to the filing of the request for adjustment. There shall be no retroactive adjustment for user charges imposed prior to the filing of the request.

13.52 BUDGET-EXCESS REVENUES. The City shall separately account for the Stormwater Utility finances. The Stormwater Utility shall prepare an annual budget, which is to include all operation and maintenance costs, costs of borrowing and other costs related to the operation of the utility. The budget is subject to approval by the Common Council. Any excess of revenues over expenditures in a year will be deposited in a stormwater maintenance fund, which will be used to defer the costs of capital improvements or to retire debt.

13.53 BILLING.

(1) BILLS. Stormwater utility charges shall be billed to the property owner. The property owner shall be responsible for payment of the Stormwater Utility charge.

(2) LATE PAYMENT. Failure to pay the charges when due will be subject to a late payment charge of 3 percent or $0.50, whichever is greater, that will be added to bills not paid within 20 days of issuance.

(3) UNPAID CHARGES. Unpaid charges shall be assessed as a lien against the property pursuant to §66.0821, Wis. Stats.

13.54 (Reserved) (2347 10/10/2010)
CHAPTER 14
BUILDING, CONSTRUCTION SITE AND HOUSING CODES

SUBCHAPTER I: BUILDING CODE
14.01 Title
14.02 Purpose
14.03 Scope
14.04 Organization and Enforcement
14.05 Application of State Codes
14.06 Definitions of Terms
14.07 Workmanship Regulated
14.08 Building Permits and Inspection
14.09 Certificates of Occupancy
14.10 Structural Requirements Not Covered by State Codes
14.11 Garages
14.12 Building in Business District
14.13 Private Swimming Pools
14.14 Canopies and Marquees
14.15 Radiant Heating Units
14.16 New Methods and Materials
14.17 [Reserved]
14.18 Fences
14.19 Unsafe Buildings
14.20 Moving Buildings
14.21 Disclaimer on Inspections
14.22 Violations and Penalties

SUBCHAPTER II: CONSTRUCTION SITE EROSION CONTROL CODE
14.23 Authority
14.23.1 Findings of Fact
14.23.2 Purpose
14.23.3 Applicability and Jurisdiction
14.24 Definitions
14.25 Applicability of Maximum Extent Practicable
14.26 Technical Standards
14.27 Performance Standards for Construction Sites Under One Acre
14.27.1 Performance Standards for Construction Sites of One Acre or More
14.28 Permitting Requirements, Procedures, and Fees
14.28.1 Erosion and Sediment Control Plan, Statement, and Amendments
14.28.2 Fees
14.29 Inspection
14.30 Enforcement
14.31 Appeals
14.32 Severability
14.33 Effective Date

SUBCHAPTER III: HOUSING CODE
14.34 Purpose and Intent
14.35 Definitions
14.36 Inspection of Dwellings, Dwelling Units, Nursing Units, Hotel Units, and Premises
14.37 Enforcement; Service of Notice and Orders; Hearing
14.38 Minimum Standards for Basic Equipment and Facilities
14.39 Minimum Standards for Light, Ventilation, and Heating
14.40 Responsibilities of Owners Relating to the Maintenance of Dwellings and Dwelling Units
14.41 Minimum Space, Use and Location Requirements
14.42 Responsibilities of Occupants Relating to the Maintenance of Dwelling and Dwelling Units
14.43 Responsibilities of Owners and Occupants Related to the Maintenance of Accessory Buildings
14.44 Condemnation of Unfit Dwellings and Dwelling Units, Legal Procedure of Condemnation and Placarding for Human Habitation
14.45 Subchapter Does Not Impair Authority of Building Inspector to Act on Nuisances
14.47 Disclaimer on Inspections
14.48 Penalties
14.49 Action to Abate
14.50 thru 14-60 (Reserved)

SUBCHAPTER IV: STORMWATER MANAGEMENT
14.61 Authority
14.62 Findings of Fact
14.63 Purpose and Intent
14.64 Applicability and Jurisdiction
14.65 Definitions
14.66 Technical Standards
14.67 Performance Standards
14.68 Permitting Requirements, Procedures, and Fees
14.69 Stormwater Management Plan
14.70 Maintenance Agreement
14.71 Financial Guarantee
14.72 Fee Schedule
14.73 Administration
14.74 Enforcement
14.75 Appeals
14.76 Severability
14.77 Effective Date
14.78 thru 14.79 (Reserved)

SUBCHAPTER V: ILLICIT STORMWATER DISCHARGE
14.80 General Provisions
14.81 Definitions
14.82 Applicability
14.83 Ultimate Responsibility
14.84 Discharge Prohibitions
14.85 Suspension of MS4 Access
14.86 Industrial or Construction Activity Discharges
14.87 Best Management Practices
14.88 Watercourse Protection
14.89 Access and Inspection of Properties and Facilities
14.90 Notification of Accidental Discharges and Spills
14.91 Violations, Appeals, and Enforcement
14.92 Penalties
14.93 Violations Deemed a Public Nuisance
14.94 Remedies Not Exclusive
14.95 Severability
14.96 Effective Date
14.97 thru 14.99 (Reserved)

SUBCHAPTER I: BUILDING CODE
14.01 TITLE. This subchapter shall be known as the "Building Code of the City of Baraboo" and will be referred to in this subchapter as "this code".
14.02 PURPOSE. This code provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and
occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety, and well being of persons occupying or using such building, and the general public.

14.03 SCOPE. This code shall apply to all new commercial, industrial and residential buildings and auxiliary buildings and structures erected within the City or moved into the City. It shall also apply to existing buildings when the code so provides.

(1) NEW BUILDINGS. New buildings or structures hereafter erected in the City shall conform to all the requirements of this code.

(2) EXISTING BUILDINGS. The following specified requirements shall apply to existing buildings which do not conform to the requirements of this code:

(a) Major Alterations and Repairs. Alterations and repairs in excess of 50% of the fair market value of an existing building, not deducting from such value any loss caused by fire or for any other reason, shall cause the entire building to be made to conform to the requirements of this code for new buildings or shall be entirely demolished.

(b) Minor Alterations and Repairs. Every alteration or repair to any structural part of any existing buildings shall be made to conform to the requirements of this code for new buildings, except energy codes shall not apply to alterations and repairs to existing buildings where the cost of such alterations or repairs is less than 50% of the fair market value of the building.

(c) Changed Use. If the existing use or occupancy of any existing building is changed to a use or occupancy which will not be permitted in a building hereafter erected, the entire building shall be made to conform to the requirements given herein for new buildings, provided, however, that if the use of occupancy of only a portion or portions of any existing building is changed, only such portion or portions of the building need to comply with the requirements; and provided further that the Building Inspector is hereby authorized to approve any change in use or occupancy of an existing building even though such building is not made to conform fully to the requirements of this code when it is obvious that such a change in use or occupancy of the existing building will not extend or increase any nonconformity or hazard of the building.

(3) MAINTENANCE. The requirements of this code covering the maintenance of buildings shall apply to all buildings and structures now existing or hereafter erected. All buildings and structures and all parts thereof shall be maintained in a safe condition and all safeguards and devices that are required by this code at the erection, alteration or repair of any building shall be maintained in good working order. The provisions of this code shall not be construed as permitting the removal or non-maintenance of any devices or safeguards unless authorized in writing by the Building Inspector.

14.04 ORGANIZATION AND ENFORCEMENT

(1) DEPARTMENT OF BUILDING INSPECTION. There is hereby established a department of the City to be known as the Department of Building Inspection and shall include a Building Inspector, a Plumbing Inspector, an Electrical Inspector and such other inspectors, assistants and employees as the Council may from time to time appoint. Any and all of such offices may be combined and held by the same person. The Department of Building Inspection shall be responsible for the supervision of the plumbing, electrical and building codes of the City, the safety inspection of all premises including structures and appurtenances located thereon, and the enforcement of the Zoning Code.

(2) BUILDING INSPECTOR.

(a) Appointment. See §1.03(7) of this Code.

(b) Qualifications. The Building Inspector shall have the necessary ability to supervise the general construction of building and the permanent equipment of buildings. He shall have an office in the City Hall and shall not be financially interested, either directly or indirectly in the construction of buildings, or in the preparation of plans and specifications thereof, or permanent equipment. The Building Inspector shall be certified for inspection purposes by the Department of Commerce, Safety, and Buildings Division and by the Department of Health and Social Services.
Services in the category of plumbing. His subordinates, if any, shall also be so certified.

(c) **Powers and Duties.** Except as otherwise provided in this chapter, the Building Inspector shall have the general management and control of all matters pertaining to the Department of Building Inspection and shall enforce all State laws, this Code and other lawful orders and regulations relating to the construction, alterations, repair, removal and safety of buildings and structures, and permanent equipment. Such Inspector or any properly authorized deputy or assistant shall have the power and authority, at all reasonable times, for any proper purpose, to enter upon any public or private premises and make inspections thereof and to require the production of the permit for any building, electrical or plumbing work requiring license therefore. Any person interfering with the said Inspector while in performance of the duties prescribed in this chapter shall forfeit and pay to the City the penalty hereafter provided. The Building Inspector may refuse to approve construction in any case in which the workmanship is not of a workmanlike character. In case the defective work is satisfactorily corrected, he may then issue the required approval.

(d) **Records and Reports.** The Building Inspector shall keep a record of all applications for building permits in a book and regularly number each permit in the order of its issue. He shall keep a record showing the number, description and size of all buildings erected during the term of his office, indicating the kind of materials used and the cost of all buildings of the various classes. He shall keep a record of all inspections made. He shall make monthly reports and an annual report to the Council of the above matter.

(e) **Inspections.** No structural portion of any part of any building or structure shall be covered or concealed in any manner whatsoever without having the approval of the Building Inspector. Such approval shall be given only after an inspection has been made by the Building Inspector following notification by the permit holder or his agent. If any portion of the work is not approved by the Building Inspector, the permit holder or his agent shall be notified wherein the same fails to comply with this chapter.

(f) **Inspection Powers.** The Inspectors provided for in this chapter shall have the power and authority at all reasonable time, for any proper purpose, to enter upon any public or private premises and make inspection thereof and to require the production of the permit for any building, electrical or plumbing work or to require license therefore. Any person interfering with or refusing entrance to the said Inspector while in the performance of his prescribed duties shall forfeit and pay to the City the penalty hereafter provided.

(3) **BOARD OF ZONING APPEALS.**

(a) **Membership.** See §1.17 of this Code.

(b) **Powers and Duties.** See §17.41 of this Code.

14.05 **APPLICATION OF STATE CODES.**

Department of Commerce Chs. 20 through 25 and 50 through 70, the State Electrical Code, the State Plumbing Code, the State Flammable Liquids Code and the State Well Drilling Code of the Wisconsin Administrative Code are hereby adopted by reference and the Building Inspector shall enforce the provisions thereof. Any violation of said codes or amendments thereto shall constitute a violation of this code, whether unlawful building alteration, installation, moving or construction involved is specifically covered by other provisions of this code or not, and shall render the violator liable to the penalties contained herein. Any future amendments, revisions, or modifications of the code provisions incorporated herein are intended to be made a part of this chapter. (2039 12/19/2000)

14.06 **DEFINITIONS OF TERMS.** The building terms in this chapter shall have the meaning given them by the State Building Code and by common usage in the building trades.

14.07 **WORKMANSHIP REGULATED.**

Workmanship in the fabrication, preparation and the installation of materials shall conform to generally accepted good practice.

14.08 **BUILDING PERMITS AND INSPECTION.**

(1) **PERMIT REQUIRED.** No building of any kind shall be moved within or into the City and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for
of the same, or any existing building, or any part thereof, enlarged, improved, altered, converted, moved, wrecked, or demolished, except as herein provided, until a permit therefore shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.

(2) APPLICATION. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the Building Inspector may require.

(3) DEDICATED STREET REQUIRED. No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes.

(4) UTILITIES REQUIRED. No building permit shall be issued for the construction of any residential building until sewer and water are installed and grading and graveling of the street necessary to service the property for which the permit is required is completed, and a receipt for payment of electrical hook-up is presented to the Building Inspector. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested. No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property. If sewer and/or water are not available, no permit shall be issued until a well and/or a septic tank or holding tank permit has been issued.

(5) PLANS. With such application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Commerce. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new 1- and 2-family dwellings shall comply with the provisions of Comm. Chapters 20-25.

(6) APPROVAL OF PLANS. If the Building Inspector determines that the building will comply in every respect with all ordinances of the City and all applicable laws and administrative rules of the State, he shall issue a building permit which shall state the use to which said building is to be put. After being approved, the plans and specifications shall not be altered in any respect that involves any of the above-mentioned ordinances, laws or administrative rules, or which involves the safety of the building or occupants, except with the written consent of the Building Inspector. In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(7) GRADES. No work shall commence until the proper grades have been reviewed by the City Engineer, including the grade for sidewalks, streets, sewer and general construction.

(8) POSTING OF PERMIT. The building permit shall be posted on the building site in plain view.

(9) WAIVER OF PLANS. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving.

(10) FEES FOR BUILDING PERMITS AND INSPECTION – See City’s Official Fee Schedule.

(a) Structural Improvements – See City’s Official Fee Schedule.
(b) Electrical, Mechanical or Plumbing Work – See City’s Official Fee Schedule.

(NOTE: A permit is required for all new electrical receptacles, switches and fixtures, a new main switch and a new wiring system. No permit is required for the repair of the electrical system, replacement of existing receptacles, switches or fixtures. In addition, a permit is required when any additional plumbing fixture is installed, or when the plumbing system is moved or remodeled. No permit is required for general repair or for fixture replacement when no piping is added.)

(c) Miscellaneous Fees – See City’s Official Fee Schedule.
1. Plan examination under ILHR 50.21
2. Wisconsin Uniform Building Permit Seal
3. Foundation only permits
4. Special inspections
5. Re-inspections
6. House moving
7. Razing permit
8. Woodburning appliances
9. Satellite dishes
10. Fences
11. Signs/canopy
12. Park Fees. See also §17.50

(d) Fees shall be based upon the physical value of the work to be done, based on current costs, as determined by the building inspector.

(e) All permit fees shall be doubled if work commences before the required permits are obtained, and the proper fees are paid. The fees shall be doubled for each violation and every day a violation occurs or continues shall constitute a separate offense.

(11) MINOR REPAIRS AND ALTERATIONS. The Building Inspector may authorize minor repairs or alterations which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building and which cost is less than $350 without requiring a building permit to be issued.

(12) INSPECTION OF WORK. The builder shall notify the Building Inspector when ready and the Building Inspector shall inspect all buildings upon the completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster, or before paneling is applied. After completion, he shall make a final inspection of all new buildings, alterations, and existing buildings put to new uses. If he finds that the work conforms to the provisions of this code, structural condition, plumbing, wiring and fire hazards, by the proper City authorities; provided that, at the time of the issuance of the certificate, there are no violations of this code, State law or orders pending. No building or structure shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Inspector and posted on the premises; stating the purpose for which the building may be used in its several parts; in addition, the Building Inspector may in the interest of safety, specify permissible live loads on the several floors, the number of occupants that may be accommodated on the several floors in case such number is limited by any provisions of any law or by the permit, and all special stipulations of the permit, if any.

(13) PERMIT LAPSES. A building permit shall lapse and be void unless building operations are commenced within 6 months, or no significant progress has been made within one year, from the date of issuance thereof.

(14) STOP ORDER. If the Building Inspector shall find at any time that applicable ordinances, laws, orders, administrative rules, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any

such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, except such work as the Building Inspector may order to be done as a condition precedent to the re-issuance of the permit of as he may require for the preservation of human life and safety.

(15) REPORT OF VIOLATIONS. The police or other City officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this chapter.

14.09 CERTIFICATES OF OCCUPANCY.

(1) CERTIFICATE REQUIRED. Upon written request from the owner or his representative, or on his own initiative, the Building Inspector shall issue a certificate of occupancy for all new buildings or premises or part thereof hereafter created, constructed, erected, changed, converted or enlarged after verification by inspection of structural condition, plumbing, wiring and fire hazards, by the proper City authorities; provided that, at the time of the issuance of the certificate, there are no violations of this code, State law or orders pending. No building or structure shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Inspector and posted on the premises; stating the purpose for which the building may be used in its several parts; in addition, the Building Inspector may in the interest of safety, specify permissible live loads on the several floors, the number of occupants that may be accommodated on the several floors in case such number is limited by any provisions of any law or by the permit, and all special stipulations of the permit, if any.

(2) TEMPORARY CERTIFICATE OF OCCUPANCY. Upon request of the holder of a permit or the owner, the Building Inspector may issue a temporary certificate of occupancy for part of a building or structure or, in case of a residence, the whole building; provided that such temporary occupancy or use would not jeopardize life or property. Such permit shall not be issued for more than a period of 6 months and may for cause be renewed once for an additional 6 months.

(3) CERTIFICATE OF CHANGE OF OCCUPANCY. No change of occupancy of a building or structure shall be made that is not consistent with the last issued certificate of occupancy for such building or structure unless a new certificate of occupancy is issued. The occupancy of a building or structures shall not be deemed to have changed because of a temporary vacancy or change of ownership or tenancy. The re-establishment in a building or structure, after a change of occupancy has been made, of a prior use that
is not permitted in a new building or structure of the same type of construction is prohibited. The change from a specifically prohibited use to another specifically prohibited use shall not be made.

(4) ISSUANCE OF CERTIFICATE OF OCCUPANCY. A certificate of occupancy shall be issued within 5 days after a written application therefore if the building or structure, at the time of such application, shall be entitled thereto. Copies of certificates of occupancy shall be furnished, upon request, to persons having proprietary interest in the building structure.

(5) CERTIFICATE OF COMPLETED INSTALLATIONS. When a certificate is specifically required by a provision of this code for an installation, extension or alteration of equipment or appliances, it shall be unlawful to use or permit the use of such equipment or appliances to which such provision applies until the appropriate certificate has been issued.

14.10 STRUCTURAL REQUIREMENTS NOT COVERED BY STATE CODES

(1) FOOTINGS AND FOUNDATIONS. Footings and foundations shall be placed on level undisturbed earth that is suitable for building and in all cases shall extend below the frost line, hereby determined to be 4 feet below finished grade, with the following exceptions:

(a) Unattached residential frame garages and accessory buildings shall have the foundation extended not less than 18 inches below grade.

(b) Buildings designed for and used for unheated warehouses where the building construction is of steel and the plans have been approved by the Department of Industry, Labor and Human Relations for that occupation intended may be supported by a suitably designed reinforced concrete slab, which has been approved by the Department of Industry, Labor and Human Relations. However, if the purpose or use of the structure is changed, then compliance must be made with the State and local building requirements applicable to the new use or purpose.

(c) A one-story basement-less dwelling of brick veneer construction may have the concrete slab laid on a foundation consisting of 10 inch concrete blocks laid on 10 inch by 22 inch footing, the bottom of which shall be at least 4 feet below grade level.

(d) Where a porch having 30 or more square feet of floor space is to be added to a dwelling in an R-1 or R-2 Residential District, it shall be erected on a foundation consisting of an 8 inch by 16 inch footing and an 8 inch poured concrete wall or an 8 inch concrete block wall filled to ground level on both sides of wall, the bottom of the footing being 4 feet below grade and such porch shall conform to the structural and setback requirements applicable to the house itself. The above requirements shall also apply to any existing porch before permission will be granted to enclose it permanently.

(e) Concrete footings may be placed in a trench without forms, provided soil is of a stable condition. Foundation walls over 4 foot in height shall be reinforced with not less than 4 continuous #4 or larger re-bar, with 2 continuous bars placed a minimum of 12 inches above bottom of wall, and 2 continuous bars not more than 24 inches below top of wall. In no case shall the concrete for any footing or foundation wall be poured until the excavation or forms have been inspected and approved by the Building Inspector. (1656 09/92)

(f) No trench for sewer or other excavations shall be made below any foundation wall nearer than 3 feet to any inside corner of said foundation. No trench for sewer or other excavations shall be made nearer to any column or pier footing than 1 1/2 times the depth of the excavation below the bottom of the footing.

(g) When masonry units are used for basement walls below grade, the exterior surface shall be plastered with not less than 1/4 inch of Portland cement plaster with a 3-inch radius cover before the application of the required waterproofing. Waterproofing shall be done in an approved manner with acceptable materials.
(h) Concrete blocks or tile walls shall be bonded with corrosion resistant metal, Dur-A-Wall or equal, at vertical intervals not exceeding 3 courses. The bonding material shall be lapped at the ends not less than 4 inches and shall extend continuously around the building.

(i) Foundation walls for frame construction shall extend at least 8 inches above the adjacent ground surface.

(j) An outside means of access shall be provided to the crawl space under basement-less buildings, which opening shall be not less than 24 inches in width and 18 inches in height.

(k) All excavations shall be graded level unless otherwise required in the approved design.

(2) FLOOR CONSTRUCTION.

(a) Where remodeling work is being done upon an existing building whose floors are supported by wood beams or girders, either solid or built-up, there shall be no cutting, boring, notching or piercing of those members.

(b) Entering Masonry or Concrete. Each wood member entering masonry or concrete walls shall be beveled so that the top edge does not enter the masonry or concrete more than one inch.

(c) Exterior Decks or Balconies. Joists or beams exposed to the elements shall be made of heartwood, cedar or redwood, or pressure treated lumber of sufficient size for the purpose intended.

(d) Concrete Slab Floor. Where an unsupported slab of concrete is to be used as a floor in any building or structure, such slab shall not be allowed unless it has been designed by a registered architect or engineer, except that an open accessory building consisting of a floor and roof, without side walls, such as a shelter house, with not more than 700 square feet of floor space, may be constructed on a 4 inch concrete slab with thickened edges and reinforced with wire mesh weighing not less than 40 pounds per 100 square feet.

(3) EXTERIOR WALLS. All frame buildings except garages and accessory buildings, whether sided with wood siding, shingles or brick veneer, shall have the exterior walls solidly sheathed with one of the following:

(a) Wood sheathing shall not be less than 3/4 inches in thickness and not more than 10 inches in width, double nailed on each stud. When wood sheathing is applied diagonally, boards shall extend at 45° in opposite directions from each corner.

(b) Plywood, when used for exterior wall sheathing, shall not be less than 3/8 inches in thickness and may be 3-ply interior CD or better grade.

(c) One inch styrofoam may be used, provided that adequate corner bracing is applied.

(d) Fiber board sheathing shall be a board treated with asphalt or other water repellent and of a type definitely approved by the Department of Commerce and the National Board of Fire Underwriters and shall not be less than 25/32 inches in thickness. If plywood corners are used, ½ inch thickness may be substituted in lieu of the 25/32 inch. Reflective solid fiberboard sheathing shall be a water-resistant laminated wood fiberboard, 1/8 inch nominal thickness. Bright aluminum foil shall be bonded to both faces. Material shall be adequately treated to prevent water penetration at exposed edges and shall be of sufficient strength to meet racking resistance requirements of FHA Technical Bulletin No. 12. Corner bracing may be omitted only when this board is applied in 4 by 9 foot sheets or of a size sufficient to extend down to the top of the foundation wall.

(e) All exterior walls where boards, shiplap or other non-waterproof sheathing is used shall be covered on the outside face with at least one layer of waterproof building paper or asphalt saturated felt weighing not less than 15 pounds per square, applied and nailed shingle fashion with horizontal joints lapped not less than 4 inches. Slips of waterproofing building paper or asphalt felt at least 6 inches wide...
shall be installed behind all exterior trim of exterior openings.

(f) All openings 4 feet wide or less in interior and exterior bearing walls shall be provided with double headers not less than 2 inches thick placed on edge and fastened securely together, and such headers shall have 2 inch solid bearing to the floor or bottom places. All headers and lintels over openings in exterior bearing wall in masonry construction shall be of steel or reinforced concrete or masonry of the proper size.

(4) ROOFING.

(a) The minimum ordinary roof covering shall be any roof covering which meets the requirements specified for the Class "C" Specifications of the Underwriter's Laboratories, Inc. Whenever an ordinary composition roof is used, whether roll roofing or shingles, the roof sheathing shall be solid. A double starting row shall be used on all shingle applications. Gable and rake corners shall provide a weather tight joint. Fasteners for attaching roof coverings shall be of corrosion resistant material acceptable to the Building Inspector.

(b) Fire Underwriter Class A, B or C shall appear on each bundle of asphalt shingles.

(c) The minimum slope upon which asphalt shingles shall be applied shall be 4:12 except on porches that may have a slope of only 3:12.

(d) The minimum weight of asphalt shingles shall be not less than 235 pounds per 100 square feet on new work and 190 pounds per 100 square feet when laid over existing roofing. All asphalt shingles shall be of a seal-down type. The exposure shall be as required for Fire Underwriters Class C label and the lap shall be as recommended by the manufacturer. On the new work or on re-roofing work where the old roofing has been removed, an underlay of asphalt saturated felt weighing not less than 15 pounds per 100 square feet shall be laid under all shingles, except when triple thickness of shingles is provided at all points. Valleys shall be flashed with sheet metal or 2 thicknesses of mineral surfaced roofing, but from rolls weighing not less than 90 pounds per 100 square feet. The bottom sheet shall be not less than 12 inches wide and the top strip shall be not less than 18 inches in width.

(e) No roof shall be covered with more than 2 layers of any type of double coverage roofing. Whenever a roof is to be re-roofed, when 2 layers exist, all such roofing shall first be removed to the sheathing.

14.11 GARAGES.

(1) LOCATION.

(a) An attached garage is one that is constructed as an integral part of the house or is in the basement of the house or which is so situated that any portion of it lies in front of an imaginary line extending across the lot, said line being 5 feet in back of and parallel to the rearmost portion or rearmost face of the house whether the garage is connected to the house by a breezeway or detached from the house. All such attached garages shall be subject to the rules, regulations and restrictions relative to the distance from rear lot lines that apply to the house proper. Framing of an attached garage shall be consistent with that of the dwelling of which it is a part. A minimum fire resistant wall shall be constructed between an attached garage and the dwelling to which it is attached, in compliance with Department of Commerce 21.08 and Table 21.08.

(b) A detached garage, no part of which lies less than 5 feet back of and 5 feet away from the rear of the house, may be erected within 3 feet from the side or rear lot line, this distance to be measured from the outer edge of the eaves or drip and not from the foundation.

(c) Regardless of the building setback line from any street line, no garage or carport, whether attached or detached, shall be located closer than 25 feet to any street line. (1478 11/10/87)

(d) Frame garages shall not be constructed larger than 750 square feet in area and shall not exceed one story in height not more than 14
feet in height, measured from floor to peak of roof. Any garage larger than 750 feet in area shall be constructed of masonry, metal or other fireproof material.

(2) STRUCTURE.

(a) Any garage built as an integral part of a house shall have footings not less than 4 feet below grade.
(b) Masonry garages shall have the wall and foundation requirements the same as for a one-story frame house.
(c) In unattached garages, studs and rafters may be 2 by 4 placed 2 feet center to center maximum. Doubling of studs is not required on jamb openings less than 3 feet 6 inches wide.
(d) Sheathing and building paper may be omitted.
(e) Corner posts may be two 2 by 4s or one 4 by 4s.
(f) Top plates may be single, provided rafters occur over studs.
(g) Rafter ties at eaves may be 2 by 4's, maximum spacing of 6 feet center to center.
(h) In any case, where a garage door opening measures 15 feet or more in width, except when it is located in a gable end or other nonbearing wall, the header shall consist of two 2 by 12's bolted together with either a wide flange steel H-beam 10 inches by 5-3/4 inches weighing 21 pounds per foot, 10 inch steel I-beam or 10 inch steel channel each weighing 25 pounds per foot or 1/4 inch by 10 inch steel plate, its length to be approximately 12 inches longer than the width of the opening.
(i) A fabricated wood beam of such design to meet the loading requirements, subject to the approval of the Building Inspector.

14.12 BUILDING IN BUSINESS DISTRICT.

(1) DESCRIPTION OF BUSINESS DISTRICT. The business district limits of the City are hereby established, as follows: Block 21, 22, 23, 26, 28, 33, 34, 35 and the south 1/2 of Block 15 of the City of Baraboo, formerly Adams; Blocks 1, 2, 4, 5, 6, and 7 of the original Plat of the City; and all land lying between Blocks 6, 7 and 8 of the Original Plat of the City and the Baraboo River.

(2) GENERAL RESTRICTIONS.

(a) No new building or structure of wood or other combustible materials shall be erected within the business district; no existing building or structure whose outside walls are of wood or masonry veneer over frame construction shall be added to, enlarged, improved or changed within the business district; no existing building or structure of combustible materials now located within the business district shall be moved, except it may be moved outside of the business district; no such building or structure of combustible construction shall be moved into the business district; and no combustible materials shall be fastened to or used on any outside wall of any building or structure now existing or to be erected in the future.

(b) Where store fronts are hereafter erected on new buildings or structures or are being replaced on existing buildings or structures, the construction shall include only noncombustible materials and no combustible materials shall be used, except in accordance with Comm. 51.02(15).

(c) Nothing in this section shall be construed as prohibiting the use of combustible materials inside store buildings such as display window floor and backing, shelving and display cases. The restrictions of this paragraph, prohibiting use of wood or other combustible materials, shall not apply to single-family residence property located in the business district provided that no commercial use is made of said property, and provided that all other requirements of this chapter and the Zoning Code are complied with.

(3) ROOFS. All buildings or structures hereafter constructed within the said business district shall have roofs of approved materials equal in restricting quality to Class "A" or Class "B" of the National Fire Under-writers specifications. Tops and sides of dormer windows shall have the same covering as the roof, in fire resistive quality.

(4) REPAIR TO WOODEN BUILDINGS DAMAGED. No wooden buildings or part of a wooden building within the business district which may hereafter be damaged by fire or the elements to the extent of 50% of the fair market value thereof shall be repaired.
or rebuilt nor shall such building, when damages are less than 50% of its fair market value, be so repaired as to be raised higher than the highest part left standing after such damage shall have occurred or so as to occupy a greater space than before the damage thereto.

14.13 PRIVATE SWIMMING POOLS. No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building in the City except in accordance with the following regulations:

(1) DEFINITION. "Swimming pool" means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming.

(2) PERMIT.
   (a) Required. No person shall construct, install, enlarge or alter any private swimming pool unless a permit therefore has first been obtained from the Building Inspector.
   (b) Application. Application shall be on forms provided by the Building Inspector and shall be accompanied by plans drawn to scale showing the following:
      1. Location of pool on lot, distance from lot lines and distance from structure.
      2. Location of any septic tank, filter bed and sewer and water lines.
      3. Pool dimensions and volume of water in gallons.
      4. Location of proposed fence, and type, size gate location.
      5. Existing overhead wiring relative to proposed pool.
   (c) Fees. See §14.08(10) of this chapter.

(3) CONSTRUCTION REQUIREMENTS.
   (a) No pool shall be located, erected, constructed or maintained closer to any side or rear lot line than allowed by Ch. 17 of this Code for permitted accessory building uses, and the waterline of any pool shall not be less than 10 feet from any lot line or building.
   (b) No connection shall be made to the sanitary sewer or septic system.
   (c) Where topography requires, a permanent wall of concrete, masonry or material approved by the Building Inspector shall be constructed to prevent ground and fill from spilling onto adjoining property.
   (d) Gaseous chlorination systems shall not be used for disinfecting pool waters.
   (e) No above-ground pool shall be less than 5 feet from any septic system.

(4) FENCES.
   (a) All swimming pools not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, not less than 5 feet in height and so constructed as not to have voids, holes or openings larger than 4 inches in one dimension. Gates or doors shall be constructed so as to be capable of being locked, and shall be closed and secured so as to prevent unlatching by persons outside the pool at all times when the pool is not in actual use.
   (b) Above-ground pools with self-provided fencing to prevent unguarded entry shall be permitted without separate additional fencing, provided the self-provided fence is of the minimum height and design as herein specified.
   (c) Permanent access from grade to above-ground pools having stationary ladders, stairs or ramps shall have safeguard fencing and gates equivalent to those required herein, subject to all other applicable ordinances and subject to the following:
      1. No fence shall be located, erected, constructed or maintained closer than 3 feet to a pool.
      2. The wall of the house or building facing a pool may be incorporated as a portion of such fence.

(5) PORTABLE POOLS. Portable pools over one foot in depth must be fenced as provided in sub. (4) above, or be drained or covered after each day's use in such a manner as to provide public safety.
(6) ELECTRICAL REQUIREMENTS.

(a) To Comply With Electrical Codes. All electrical installations shall require separate permits and shall be governed by the City Electrical Code.

(b) Pool Lights. If overhead flood or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool.

(7) OPERATION OF POOL. No pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties.

14.14 CANOPIES AND MARQUEES. Any permanent canopy or marquee erected hereafter on any building shall conform to the following provisions:

(1) LOCATION. No canopy or marquee shall have less than 10 feet clear between the grade of the sidewalk at any point and the lowest point of any projection or appendage of any such canopy or marquee and no part of any such canopy or marquee shall extend further over the street than a point 3 feet back on the back edge of the curb. Any such canopy or marquee shall be suspended from the building with no supports resting upon the sidewalk or public highway.

(2) MATERIALS. Canopies and marquees shall be constructed of incombustible materials throughout, shall slope and drain toward the building and shall be provided with conductors connected in such a manner that no water is discharged on any sidewalk.

(3) SIGNS. Any sign or other appendage of a temporary or permanent nature shall be rigidly attached to the canopy or marquee in a manner approved by the Building Inspector and swinging signs or accessories of any nature are prohibited.

14.15 RADIANT HEATING UNITS.

(1) DEFINITION. "Radiant heating unit" is a room heater, stove or free standing fireplace not intended for duct connections used to heat a room or rooms using the combustion of such solid fuels as wood or coal as a source of heat.

(2) PERMIT REQUIRED. It shall be unlawful for any person to install or cause to be installed any radiant heating unit in the City without first having obtained a permit from the Building Inspector.

(3) APPLICATION FOR PERMIT. Application for a permit shall be made on a form provided by the Building Inspector. The following data should be submitted with the application:

(a) The manufacturer's installation, maintenance and operations manual, and the manufacturer's approval number.

(b) Type and size of chimney.

(c) The proposed chimney flue or new chimney flue size.

(d) The number and size of existing vent connections to the chimney flue.

(e) The location of the heating unit and the fire resistant coverings to be used, all of which shall be in compliance with Comm. Table 23.04A.

(4) ISSUANCE OF PERMIT. Upon examination of the application and accompanying data by the Building Inspector, the Inspector shall determine whether or not the installation of the radiant heating unit complies with the requirements of this section and, if so, issue the permit; if not, the Building Inspector shall state, in writing, his reasons for not issuing the permit.

(5) INSPECTION. No person may operate or permit the operation of a radiant heating unit until the Building Inspector has inspected and approved the installation thereof.

14.16 NEW METHODS AND MATERIALS. All materials, methods of construction and devices designed for use in buildings or structures covered by this code and not specifically mentioned in or permitted by this code shall not be so used until approved in writing by the State Department of Commerce. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Commerce. The date, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Commerce.

14.17 RESERVED.

14.18 FENCES.
PERMIT REQUIRED. No person shall construct a fence in the City until a permit is obtained from the Building Inspector.

APPLICATION; FEE. Application for a permit shall be filed with the Building Inspector on a form supplied by the Inspector, together with a sketch of the proposed fence and the payment of the required fee.

GENERAL REQUIREMENTS.
(a) No fence along property lines shall be constructed more than 6 feet in height and no more than 4 feet in height in the street yard. (See also vision clearance requirements for corner lots in Ch. 17 of this Code.)
(b) Any person building a fence on the property of another person shall move said fence to its correct location within 30 days after discovery of the encroachment.
(c) Any fence constructed shall be constructed a minimum of 4 inches from the property line on the property of the person constructing the fence. No barbed wire fencing shall be permitted in any residential district. A sketch showing the type of fence, location of corners and the spacing of posts shall be submitted to the Building Inspector along with the building permit application.
(d) Maximum spacing of posts shall be 12 feet. Posts shall be of a durable material and shall be adequately anchored in the ground in accordance with good building practices. Wood posts shall be treated.
(c) In agricultural districts, a proper fence may be constructed on the property line providing all adjoining parties agree to said fence and said fence is constructed in accordance with State law.
(f) Temporary fences may be erected in various places if properly maintained. Such fences include snow protection fences, fences protecting construction and fences temporarily protecting hazardous locations.
(g) Security fences are permitted on property lines in all districts, except residential districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing. (2300 04/14/2009)

The smooth-finished side of the fence must face neighboring properties or public rights-of-way, rather than the fenced property. All structural members are to be on the interior side of the fence, facing the property of the fence owner. (2454 01/24/2017)

UNSAFE BUILDINGS. Whenever the Building Inspector finds any building or part thereof within the City to be, in his judgment, so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove it at the owner's option. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in §66.05, Wis. Stats. Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the City in an action against the owner or tenant.

MOVING BUILDINGS. See Ch. 8 of this Code.

DISCLAIMER ON INSPECTIONS. The purpose of the inspections under this code is to improve the quality of housing in the City. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

VIOLATIONS AND PENALTY.

FORFEITURE ACTION. Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter shall be subject to a penalty as provided in §25.04 of this Code. The Building Inspector shall promptly report all such violations to a police officer, and a police officer shall issue a citation to the violator. Every day a violation occurs shall constitute a separate offense.

ACTION TO ABATE. Any building or structure hereafter erected, enlarged, altered, repaired or moved, or any use hereafter established, in violation of the provisions of this chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the City Attorney, who shall
bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure of the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in §25.04 of this Code. In any such action, the fact that a permit was issued shall not constitute a defense. Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.

14.23 AUTHORITY.

(1) This ordinance is adopted under the authority granted by §62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under §62.23, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in §62.234 Wis. Stats., §62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Common Council hereby designates the Building Inspector or City Engineer to administer and enforce the provisions of this ordinance.

(4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:

(a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §§281.16 and 283.33, Wis. Stats.

(b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under §NR 151.004, Wis. Adm. Code.

14.23.1 FINDINGS OF FACT. The Common Council finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in City of Baraboo.

14.23.2 PURPOSE. It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the City of Baraboo.

14.23.3 APPLICABILITY AND JURISDICTION.

(1) APPLICABILITY.

(a) Except as provided under Sub. (b), this ordinance applied to any construction site as defined under Sec. 14.24 (6):

(b) This ordinance does not apply to the following:

1. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads with a residential or industrial development.

2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Ch. 40, Code of Federal Regulations, part 122, for land disturbing construction activity.

3. Nonpoint discharges from agricultural facilities and practices.

4. Nonpoint discharges from silviculture activities.

5. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to construction sites of any size that, as determined by the Building Inspector or City Engineer, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of
water, that causes undue channel erosion, or that increases water pollution by scouring or the transportation of particulates.

(2) JURISDICTION. This ordinance applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the City of Baraboo, and, optionally to the public and private lands subject to extraterritorial review under §§236.45(2) and (3), Wis. Stats.

(3) EXCLUSIONS. This ordinance is not applicable to activities conducted by a state agency, as defined under §227.01 (1), Wis. Stats.

14.24 DEFINITIONS

(1) ADMINISTERING AUTHORITY means a governmental employee, or a regional planning commission empowered under §62.234, Wis. Stats., that is designated by the Common Council to administer this ordinance.

(2) AGRICULTURAL FACILITIES AND PRACTICES has the meaning in §281.16(1), Wis. Stats.

(3) BEST MANAGEMENT PRACTICE or BMP means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

(4) BUSINESS DAY means a day the office of the Building Inspector or City Engineer is routinely and customarily open for business.

(5) CEASE AND DESIST ORDER means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the City of Baraboo.

(6) CONSTRUCTION SITE means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.

(7) DESIGN STORM means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

(8) DIVISION OF LAND means the creation from one parcel of one or more parcels or building sites, regardless of size, where such creation occurs at one time or through successive partition within a 5-year period.

(9) EROSION means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.

(10) EROSION AND SEDIMENT CONTROL PLAN means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

(11) EXTRATERRITORIAL means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

(12) FINAL STABILIZATION means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

(13) GOVERNING BODY means town board of supervisors, county board of supervisors, Common Council, village board of trustees or village council.

(14) LAND DISTURBING CONSTRUCTION ACTIVITY means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

(15) LANDOWNER means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.

(16) MEP or MAXIMUM EXTENT PRACTICABLE means a level of performance that is achievable but is not
equivalent to a performance standard identified in this ordinance as determined in accordance with Sec. 14.25 of this ordinance.

(17) PERFORMANCE STANDARD means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(18) PERMIT means a written authorization made by the Building Inspector or City Engineer to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(19) POLLUTANT has the meaning given in §283.01 (13), Wis. Stats.

(20) POLLUTION has the meaning given in §281.01 (10), Wis. Stats.

(21) RESPONSIBLE PARTY means the landowner or other entity performing services to meet the requirements of this ordinance through a contract or other agreement.

(22) RUNOFF means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(23) SEDIMENT means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

(24) SILVICULTURE ACTIVITY means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pet and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

(25) SITE means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

(26) STOP WORK ORDER means an order issued by the Building Inspector or City Engineer which requires that all construction activity on the site be stopped.

(27) TECHNICAL STANDARD means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

(28) TRANSPORTATION FACILITY means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under §85-095(1)(b), Wis. Stats. Transportation Facility does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to §281.33, Wis. Stats.

(29) WATERS OF THE STATE includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

14.25 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the administering authority’s satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

14.26 TECHNICAL STANDARDS.

All BMPs required for compliance with this ordinance shall meet design criteria, standards and specifications based on any of the following:

(2) DESIGN GUIDANCE AND TECHNICAL STANDARDS identified or developed by the Wisconsin Department of Natural Resources under Subch. V of Ch. NR 151, Wis. Adm. Code.

(3) SOIL LOSS prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and period of disturbance.

(4) TECHNICAL STANDARDS and methods have been approved by the Building Inspector or City Engineer.
14.27 PERFORMANCE STANDARDS FOR CONSTRUCTION SITE UNDER ONE ACRE.

(1) RESPONSIBLE PARTY. The responsible party shall comply with this section.

(2) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
   (a) The deposition of soil from being tracked onto streets by vehicles.
   (b) The discharge of sediment from disturbed areas into on-site storm water inlets.
   (c) The discharge of sediment from disturbed areas into adjacent waters of the state.
   (d) The discharge of sediment from drainage ways that flow off the site.
   (e) The discharge of sediment by dewatering activities.
   (f) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
   (g) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

(3) LOCATION. The BMPs shall be so located that treatment occurs prior to runoff entering waters of the state.

(4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:
   (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
   (b) Erosion and sediment control practices shall be maintained until final stabilization.
   (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
   (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
   (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

14.27.1 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF ONE ACRE OR MORE.

(1) RESPONSIBLE PARTY. The responsible party shall comply with this section and implement the Erosion and Sediment Control Plan developed in accordance with Sec. 14.28.1.

(2) EROSION AND SEDIMENT CONTROL PLAN. A written site-specific Erosion and Sediment Control Plan shall be developed in accordance with Sec. 14.28.1 and implemented for each construction site.

(3) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The Erosion and Sediment Control Plan required under sub. (2) shall include the following:
   (a) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
      1. The deposition of soil from being tracked onto streets by vehicles.
      2. The discharge of sediment from disturbed areas into on-site storm water inlets.
3. The discharge of sediment from disturbed areas into adjacent waters of the state.

4. The discharge of sediment from drainage ways that flow off the site.

5. The discharge of sediment by dewatering activities.

6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.

7. The discharge of sediment from erosive flows at outlets and in downstream channels.

8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

(b) SEDIMENT PERFORMANCE STANDARDS. In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:

1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.

2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.

3. Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the Erosion and Sediment Control Plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

(c) PREVENTIVE MEASURES. The Erosion and Sediment Control Plan shall incorporate all of the following:

1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.

2. Minimization of soil compaction and preservation of topsoil.

3. Minimization of land disturbing...

(d) LOCATION. The BMPs used to comply with this section shall be located so that treatment occurs prior to runoff entering waters of the state.

(4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

(a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the Erosion and Sediment Control Plan developed in Sec. 14.27.1(2).

(b) Erosion and sediment control practices shall be maintained until final stabilization.

(c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

(d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

(e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

14.28 PERMITTING REQUIREMENTS, PROCEDURES, AND FEES.

(1) PERMIT REQUIRED. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an Erosion and Sediment Control Plan for the site and a permit from the Building Inspector or City Engineer.

(2) PERMIT APPLICATION AND FEES. At least one responsible party that will undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an Erosion and Sediment Control Plan that meets the requirements of Sec. 14.28.1 and shall pay an application fee as set by the Building Inspector or City Engineer and as shown in the Official Fee Schedule. By submitting an application, the applicant is authorizing the Building Inspector or City Engineer to enter the site to obtain information required for the review of the Erosion and Sediment Control Plan.

(3) PERMIT APPLICATION REVIEW AND APPROVAL. The Building Inspector or City Engineer shall review any permit application that is submitted with an Erosion and Sediment Control Plan, and the required fee. The following approval procedure shall be used:

(a) Within 45 business days of the receipt of a complete permit application, as required by Sub. (2), the Building Inspector or City Engineer shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.

(b) If the permit application and Erosion and Sediment Control Plan are approved, the Building Inspector or City Engineer shall issue the permit.

(c) If the permit application or Erosion and Sediment Control Plan is disapproved, the Building Inspector or City Engineer shall state in writing the reasons for disapproval.

(d) The Building Inspector or City Engineer may request additional information from the applicant. If additional information is submitted, the Building Inspector or City Engineer shall have 30 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.

(e) Failure by the Building Inspector or City Engineer to inform the permit applicant of a decision within 45 business days of a
required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(4) SURETY BOND. As a condition of approval and issuance of the permit, the Building Inspector or City Engineer may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved Erosion and Sediment Control Plan and any permit conditions.

(5) PERMIT REQUIREMENTS. All permits shall require the responsible party to:

(a) Notify the Building Inspector or City Engineer within 48 hours of commencing any land disturbing construction activity.

(b) Notify the Building Inspector or City Engineer of completion of any BMPs within 14 days after their installation.

(c) Obtain permission in writing from the Building Inspector or City Engineer prior to any modification pursuant to Sec. 14.28.1(3) of the Erosion and Sediment Control Plan.

(d) Install all BMPs as identified in the approved Erosion and Sediment Control Plan.

(e) Maintain all road drainage systems, storm water drainage systems, BMPs, and other facilities identified in the Erosion and Sediment Control Plan.

(f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.

(g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary, and document these activities in an inspection log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.

(h) Allow the Building Inspector or City Engineer to enter the site for the purpose of inspecting compliance with the Erosion and Sediment Control Plan or for performing any work necessary to bring the site into compliance with the Erosion and Sediment Control Plan at the construction site.

(6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Building Inspector or City Engineer in addition to the requirements set forth in Sub. (5), where needed to assure compliance with the performance standards in Sec. 14.27 or 14.27.1.

(7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector or City Engineer may extend the period one or more times for up to an additional 180 days. The Building Inspector or City Engineer may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.

(8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

14.28.1 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT, AND AMENDMENTS.

(1) EROSION AND SEDIMENT CONTROL PLAN STATEMENT. For each construction site identified under Sec. 14.26(1)(c), an Erosion and Sediment Control Plan Statement shall be prepared. This statement shall be submitted to the Building Inspector or City Engineer. The Erosion and Sediment Control Plan Statement shall briefly describe the site, the development schedule, and the BMPs that will be used to meet the requirements of the ordinance. A site map shall also accompany the Erosion and Sediment Control Plan Statement.

(2) EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.

(a) Preparation and Submission. An Erosion and Sediment Control Plan shall be prepared and submitted to the Building Inspector or City Engineer.
(b) **Performance Standards.** The Erosion and Sediment Control Plan shall be designed to meet the performance standards in Sec 14.27 or 14.27.1 and other requirements of this ordinance.

(c) **Pollution.** The Erosion and Sediment Control Plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The Erosion and Sediment Control Plan shall include, at a minimum, the following items:

1. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant’s principal contact at such firm. The application shall also include start and end dates for construction.

2. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.

3. A description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

4. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.

5. Calculations to show compliance with the performance standard of Sec. 14.27.1(3)(b).

6. Existing data describing the surface soil as well as subsoils.

7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.

8. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.

(d) **Site Map.** The Erosion and Sediment Control Plan shall include a site map. This map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.

1. Existing topography, vegetative cover, natural and engineered drainage systems, roads, and surface waters. Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes, and floodways shall also be shown.

2. Boundaries of the construction site.

3. Drainage patterns and approximate slopes anticipated after major grading activities.

4. Areas of soil disturbance.

5. Location of major structural and non-structural controls identified in the Erosion Control and Sediment Plan.

6. Location of areas where stabilization BMPs will be employed.

7. Areas that will be vegetated following land disturbing construction activities.
8. Area(s) and location of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.

9. Area(s) use for infiltration of post-construction storm water runoff.

10. An alphanumeric or equivalent grid overlying the entire construction site map.

(c) Controls and Measures Each Erosion and Sediment Control Plan shall include a description of appropriate controls and measures that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The Erosion and Sediment Control Plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the Erosion and Sediment Control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:

1. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The Erosion and Sediment Control Plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Building Inspector or City Engineer, structural measures shall be installed on upland soils.

3. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.

4. Trapping of sediment in channelized flow.

5. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.

6. Protection of downslope drainage inlets where they occur.

7. Minimization of tracking at all vehicle and equipment entry and exit locations on the construction site.

8. Clean up of off-site sediment deposits.


10. Stabilization of drainage ways.

11. Installation of permanent stabilization practices as soon as possible after final grading.

12. Minimization of dust to the maximum extent practicable.

(f) Velocity Dissipation Devices. The Erosion and Sediment Control Plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(3) EROSION AND SEDIMENT CONTROL PLAN AMENDMENTS. The applicant shall amend the Erosion and Sediment Control Plan if any of the following occur:

(a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the Erosion and Sediment Control Plan.

(b) The actions required by the Erosion and Sediment Control Plan
fail to reduce the impacts of pollutants carried by construction site runoff.

(c) The Building Inspector or City Engineer notifies the applicant of changes needed in the Erosion and Sediment Control Plan.

14.28.2 FEE SCHEDULE. The fees referred to in other sections of this ordinance shall be adopted by the City of Baraboo Common Council and may from time to time be modified by resolution. A schedule of the fees shall be available for review in City Hall.

14.29 INSPECTION. If land disturbing construction activities are occurring without a permit required by this ordinance, the Building Inspector or City Engineer may enter the land pursuant to the provisions of §§66.0119(1), (2), and (3), Wis. Stats.

14.30 ENFORCEMENT.

(1) The Building Inspector or City Engineer may post a stop work order if any of the following occurs:

(a) Land disturbing construction activity regulated under this ordinance is occurring without a permit.

(b) The Erosion and Sediment Control Plan is not being implemented in a good faith.

(c) The conditions of the permit are not being met.

(2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the Erosion and Sediment Control Plan or permit conditions, the Building Inspector or City Engineer may revoke the permit.

(3) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Building Inspector or City Engineer, or if a responsible party violates a stop work order posted under Sub. (1), the Building Inspector or City Engineer may request the City Attorney to obtain a cease and desist order in any court with jurisdiction.

(4) The Building Inspector or City Engineer may retract the stop work order issued under Sub. (1) or the permit revocation under Sub. (2).

(5) After posting a stop work order under Sub. (1), the Building Inspector may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Building Inspector or City Engineer may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by or at the direction of the Building Inspector or City Engineer, plus interest at the rate authorized by the Building Inspector or City Engineer shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Subch. VII of Ch. 66, Wis. Stats.

(6) Any person violating any of the provisions of this ordinance shall be subject to a penalty as provided in §25.04 of this code and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

(7) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctional proceedings.

14.31 APPEALS.

(1) BOARD OF ZONING APPEALS. The board of zoning appeals created pursuant to Sec. 1.17 of the city’s ordinance pursuant to §62.23(7)(e), Wis. Stats.: 

(a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Building Inspector or City Engineer in administering this ordinance except for cease and desist orders obtained under Sec. 14.30(3).

(b) Upon appeal, may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and

(c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(2) WHO MAY APPEAL. Appeals to the Board of Zoning Appeals may be taken by any aggrieved person or by any office, department,
board, or bureau of the City of Baraboo affected by any decision of the Building Inspector or City Engineer.

14.32 SEVERABILITY. If a court of competent jurisdiction judges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

14.33 EFFECTIVE DATE. This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Common Council of the City of Baraboo on the 25th day of August, 2015.

SUBCHAPTER III: HOUSING CODE

14.34 PURPOSE AND INTENT. The City has determined that there are or may be dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic or unsanitary as to constitute a menace to the health and safety of the people of the City. The purpose of this subchapter is to establish minimum standards governing the condition and maintenance of dwellings; establish minimum standards governing supplied utilities and facilities and other physical conditions essential to make dwellings safe, sanitary and fit for human habitation; establish minimum standards governing the condition of dwellings offered for rent; fix certain responsibilities of owners and occupants of dwellings, and the condemnation of dwellings unfit for human habitation; coordinate the activities of the Building Inspector; fix penalties for violations and fix a time when the same shall take effect.

14.35 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this subchapter:

(1) ACCESSORY BUILDING means any detached building or structure not used as a dwelling unit, but whose use is incidental to that of the principal building and which is located on the same lot or parcel.

(2) BASEMENT means a space of full story height below the first floor which is not designated or used primarily for year-around living accommodations. Space, partly below the grade, which is designed and finished as habitable space is not basement space.

(3) BUILDING INSPECTOR means the Building Inspector of the City or his authorized representative.

(4) CELLAR means a portion of a building located partly or wholly underground, having 2/3 or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(5) DWELLING means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided temporary housing shall not be regarded as a dwelling.

(6) DWELLING UNIT means any room or group of rooms located within a dwelling, forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking and eating.

(7) EXTERMINATION means the control and elimination of insects, rodents, or other pests by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized, legal pest elimination methods approved by the Building Inspector.

(8) GARBAGE means the animal and vegetable waste resulting from the handling, preparing, cooking and consuming of food.

(9) HABITABLE ROOM means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets and store spaces.

(10) INFESTATION means the presence, within or around a dwelling, of any insects, rodents or other pests.

(11) MULTIPLE DWELLING means any dwelling containing more than two dwelling units.

(12) OCCUPANT means any person, over one year of age, living sleeping, cooking, eating in, or having actual possession of a dwelling unit or rooming unit.

(13) OPERATOR means any person who has charge or care of a building, or part thereof, in which dwelling units or rooming units are offered for rent.

(14) OWNER means any person who, alone, jointly or severally:

(a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; provided, whenever the dwelling or dwelling unit is subject to conditional sales contract, lease with
option to purchase, or any other form of written contract under the terms of which any person is entitled to a conveyance of legal title upon payment of a specified sum, "owner" shall mean the person who shall have such a contractual right or equitable title, rather than the person holding the legal title; or

(b) Shall have charge or care of any dwelling or dwelling unit, as owner, agent of the owner, as personal representative, administrator, trustee, receiver or guardian of the estate of the owner. Any person representing the owner shall comply with the provisions of this subchapter and of the rules and regulations adopted pursuant thereto, as if he were the owner. Any person acting as the agent of the owner shall not be construed to be the owner within the terms of this subchapter, but shall be bound to notify the owner, by means of a registered letter addressed to the owner at his last known address, of any order or notice to be issued by the Building Inspector relating to the property of the owner.

(15) PLUMBING means all of the following supplied facilities and equipment gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washers, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

(16) RUBBISH means combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

(17) SUPPLIED means paid for, furnished, or provided by or under the control of the owner or operator.

(18) TEMPORARY HOUSING means any tent, trailer, or other structure used for human shelter designated to be transportable which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

(19) MEANING OF CERTAIN WORDS. Whenever the words "dwelling", "dwelling unit", or "premises" are used in this subchapter, they shall be construed as though they were followed by the words "or any part thereof."

(20) Except for those terms specifically defined in this subchapter, the definitions set forth in the State Building Code, State Plumbing Code, and State Electrical Code, which are adopted by reference in Chs. 14, 15 and 16, respectively, of this Code, are hereby adopted by reference.

14.36 INSPECTION OF DWELLINGS, DWELLING UNITS, ACCESSORY BUILDINGS, NURSING UNITS, HOTEL UNITS, AND PREMISES.

(1) INSPECTION BY BUILDING INSPECTOR.

(a) The Building Inspector may make inspections to determine the condition of dwellings, dwelling units, accessory buildings, nursing units, hotel units, and premises located within the City to safeguard the health and welfare of the occupants of dwellings and the general public.

(b) For the purpose of making such inspections, the Building Inspector may enter, examine, and survey, at proper times after due notice, all dwelling units, accessory buildings, and premises. The owner or the person in charge shall give the Building Inspector access to such dwelling unit, accessory building and its premises at proper time after due notice, for such inspection, examination, and survey.

(2) ACCESS BY OWNER OR OPERATOR. Every occupant of a dwelling, dwelling unit, nursing unit, hotel unit or premises shall give the owner or operator thereof, or his agent or employee access to any part of such dwelling, dwelling unit, accessory building, nursing unit, hotel unit, or its premises at all reasonable times for maintenance, making repairs or alterations as necessary to effect compliance with the provisions of this subchapter or with any lawful rule or regulation adopted or any lawful notice or order issued pursuant to the provisions of this subchapter.

14.37 ENFORCEMENT; SERVICE OF NOTICES AND ORDERS; HEARINGS.

(1) SERVICE OF NOTICES. Whenever the Building Inspector determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of this subchapter or
of any rule or regulation adopted pursuant thereto, he shall give notice of such violation or alleged violation to the person responsible therefore. Such notice shall:

(a) Be in writing;
(b) Include a description of the real estate sufficient for identification;
(c) Include a statement of the reason why it is being issued;
(d) Allow a reasonable time for the performance of any act is requires;
(e) Be served upon the owner, operator, or the occupant; provided such notice shall be deemed to be properly served upon such owner, operator or occupant if a copy thereof is delivered to him personally, or sent by certified mail return receipt requested to his last known address, or posted in a conspicuous place in or about the dwelling affected by the notice or if he is served by any other method authorized or required under State laws. Such notice may contain an outline of remedial action which, if taken, shall effect compliance with the provisions of this subchapter and with rules and regulations adopted pursuant hereto.

(2) PETITION FOR HEARING; OPPORTUNITY TO BE HEARD; ORDER IF NO PETITION. Any notice served pursuant to this sub-chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Building Inspector within 10 days after such notice is served. Any person affected by any notice that has been issued in connection with the enforcement of this subchapter, or any rule or regulation adopted pursuant hereto may request and shall be granted a hearing on the matter before the Zoning Board of Appeals provided a written petition requesting such hearing and setting forth a statement of the grounds therefore shall be filed in the office of the Building Inspector within 10 days after the day the notice was served. Upon receipt of such petition, the Building Inspector shall transmit to the Zoning Board of Appeals the petition and all papers constituting the record upon which the action appealed from was taken. The Board shall set a time and place for the hearing of the Appeal and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and show cause why such notice should not be complied with.

(3) BOARD OF ZONING APPEALS TO SUSTAIN, MODIFY OR WITHDRAW NOTICES. After the hearing on the appeal the Board of Zoning Appeals shall sustain, modify or withdraw the notice depending upon its findings as to whether the provisions of this subchapter and the rules and regulations adopted pursuant hereto have been complied with. If the Board sustains or modifies such notice, it shall be deemed an order.

(4) REVIEW BY CIRCUIT COURT BY CERTIORARI. The proceedings at a hearing on an appeal under this sub-chapter, including the findings and decision of the Board of Zoning Appeals, shall be reduced to writing, and entered as a matter of public record in the office of the Board. Such record shall also include a copy of every notice or order issued in connection with the matter. A copy of the written decision of the Board shall then be served in the manner prescribed under §§14.37(1)(e) on the person who filed the petition for hearing. Any person aggrieved by the decision of the Board of Zoning Appeals or any taxpayer, or any officer, department, board or bureau of the City, may seek judicial relief therefrom by having the decision reviewed by certiorari as provided by law.

(5) ISSUANCE OF ORDER WHEN EMERGENCY EXISTS. Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public, he may, without notice or hearing, issue an order stating the existence of an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this subchapter, such order shall be effective immediately, but upon petition to the Building Inspector a hearing shall be afforded as soon as possible, in the manner provided in sub. (2). After such hearing, depending upon the findings as to whether the provisions of this subchapter have been complied with, the Board shall continue such order in effect, modify it, or revoke it.

14.38 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for living, sleeping, cooking and/or eating meals therein which does not comply with the following requirements:

(1) KITCHEN SINK REQUIRED. Every dwelling unit shall contain a kitchen sink and laundry tray in good working condition, properly connected to a water and sanitary sewer system approved by the Building Inspector's office.

(2) Every dwelling unit shall contain a room, separate from the habitable rooms, which affords privacy to a person which is equipped with a flush water closet, a lavatory basin, bathtub or shower and the necessary accessories therefore in good working condition, properly connected to hot and cold water lines and sanitary sewer
system approved by the Building Inspector.

(3) Every kitchen sink and lavatory basin shall be supplied with adequate rubbish storage facilities.

(4) RUBBISH FACILITIES. Every dwelling unit shall be supplied with adequate rubbish storage facilities.

(5) GARBAGE DISPOSAL FACILITIES. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.

(6) EXITS. Every dwelling unit shall have safe, unobstructed means of egress leading to safe, open space at ground level, as required by State and City laws.

14.39 MINIMUM STANDARDS FOR LIGHT, VENTILATION, AND HEATING

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for living therein which does not comply with the following requirements:

(1) REQUIRED WINDOW AREA. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10 percent of the floor area of such room.

(2) ADEQUATE VENTILATION REQUIRED. Every habitable room shall have at least one window or skylight that can easily be opened or such other devise as will adequately ventilate the room. The total operable window area in every habitable room shall be equal to at least 4 percent of the floor area, except where there is supplied a mechanical device affording adequate ventilation per current Federal Housing Administration Regulations.

(3) LIGHT AND VENTILATION REQUIREMENTS FOR BATHROOMS AND TOILET ROOMS. Every bathroom and toilet room shall comply with the light and ventilation requirements for habitable rooms contained in subsection (1) and (2), except no window or skylight shall be required in adequately ventilated bathrooms and toilet rooms equipped with an adequate ventilation system which is kept in continuous operation.

(4) HEATING FACILITIES. Every dwelling shall have heated facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70°F 30°F above floor level.

(5) LIGHTING OF PUBLIC HALLS AND STAIRWAYS. Every public hall and stairway in every multiple dwelling shall be adequately lighted in conformity with the current National Electrical Code and Federal Housing Administration Regulations.

(6) BASEMENTS AND CELLARS. Every basement shall receive natural and artificial light and shall be ventilated according to current Federal Housing Administration requirements or equal minimum. Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be screened with a wire mesh of not less than #16 or other device as will effectively prevent their entrance.

14.40 RESPONSIBILITIES OF OWNERS RELATING TO THE MAINTENANCE OF DWELLINGS AND DWELLING UNITS

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit or portion thereof for living therein, which does not comply with the following requirements:

(1) MAINTENANCE OF FOUNDATIONS, EXTERIOR WALLS, ROOFS. Every foundation, exterior wall and roof shall be reasonably weather-tight, watertight, rodent-proof and insect-proof and shall be kept in a reasonably good state of repair.

(2) MAINTENANCE OF INTERIOR WALLS, FLOORS, CEILINGS. Every interior partition, wall, floor, and ceiling shall be capable of affording privacy, kept in a reasonably good working condition and reasonably good state of repair.

(3) MAINTENANCE OF WINDOWS, EXTERIOR DOORS, BASEMENT HATCHWAYS. Every window, exterior door, and basement hatchway shall be reasonably weather-tight and rodent-proof, kept in reasonably good working condition and reasonably good state of repair.

(4) MAINTENANCE OF STAIRWAYS AND PORCHES. Every inside and outside stairway, porch and appurtenance thereto shall be constructed to be reasonably safe to use and capable of supporting the load that normal use may cause to be placed thereon; and kept in sound condition and in a reasonably good state of repair.
(5) MAINTENANCE OF SUPPLIED PLUMBING FIXTURES. Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition.

(6) MAINTENANCE OF BATHROOM AND TOILET ROOM FLOORS. Every toilet room floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water, permitting such floor to be kept in a clean, sanitary condition.

(7) SAFE AND EFFECTIVE FUNCTIONING OF SUPPLIED FACILITIES. Every supplied facility, piece of equipment, or utility which is required under this subchapter shall be so constructed or installed that it will function properly and shall be maintained in reasonably good working condition.

(8) DISCONTINUANCE OF REQUIRED SERVICES, FACILITIES, EQUIPMENT, OR UTILITIES. No owner or operator shall cause any service facility, equipment, or utility which is required to be supplied under the provisions of this subchapter to be removed from, or shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while actual repairs, replacements, or alterations are being made.

(9) VACANT DWELLING UNITS TO BE CLEAN AND SANITARY BEFORE BEING LET FOR OCCUPANCY. No owner shall occupy or rent to any other person for occupancy or allow any other person to occupy any vacant dwelling unit unless it is reasonably clean, sanitary, and complies with all provisions of this subchapter and all rules and regulations adopted pursuant thereto.

14.41 MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS. No person shall occupy or let to another for occupancy and dwelling any unit, for living therein that does not comply with the following requirements:

(1) MINIMUM FLOOR AREA FOR DWELLING UNIT. Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupant, 100 square feet for the second occupant, and 75 square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

(2) MINIMUM HOT WATER REQUIREMENTS. Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained and capable of heating water to such a temperature to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar units, at a temperature of not less than 130°F when needed.

(3) ELECTRICAL SERVICE; NUMBER OF ELECTRICAL OUTLETS AND/OR FIXTURES. While there is electric service available to the buildings, every habitable room of a dwelling unit shall contain at least two separate remote outlets, one of which may be a ceiling or wall-type electric light fixture. Every public hall, bathroom, laundry room or furnace room shall contain at least one electric light fixture. In addition, every bathroom and laundry room shall be provided with at least one electric outlet.

(4) SCREEN REQUIREMENTS. From June 1 to October 1, in every dwelling unit for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoors shall have supplied and installed screens and a self-closing device; and every window or other device with openings to outdoors, used or intended to be used for ventilation, shall likewise be supplied with screens installed.

(5) FLOOR AREA FOR SLEEPING ROOMS. In every dwelling unit of two or more rooms, occupied for sleeping purposes by one occupant shall contain at least 80 square feet of floor space, and every room occupied by more than one occupant shall contain at least 40 square feet of space for each occupant thereof over the age of 12 years and at least 30 square feet for each occupant under the age of 12 years.

(6) ARRANGEMENT OF SLEEPING, BATH AND TOILET ROOMS. No dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or toilet room intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a
sleeping room can be had only by going through another sleeping room, bathroom or a toilet room.

(7) MINIMUM CEILING HEIGHT. At least ½ of the floor area of every habitable room shall have a ceiling height of at least 7'6"; and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered part of the floor area in computing the total floor area to determine the maximum permissible occupancy thereof.

(8) CELLAR SPACE NOT HABITABLE. No cellar space shall be used as a habitable room or dwelling unit.

(9) BASEMENT SPACE MAY BE HABITABLE. No basement space shall be used as a habitable room or dwelling unit unless:

(a) The floor and walls are of waterproof and damp-proof construction;
(b) The total of window area in each room is equal to at least the minimum window area sizes as required in §§14.39(1);
(c) Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and
(d) The total of openable window area in each room is equal to at least the minimum as required under §§14.39(2), except where there is supplied some other approved device affording adequate ventilation.

(10) OCCUPANTS TO HAVE ACCESS TO SANITARY FACILITIES. Every occupant of every dwelling shall have unrestricted access to a kitchen sink, toilet, bath and lavatory basin.

14.42 RESPONSIBILITIES OF OCCUPANTS RELATING TO THE MAINTENANCE OF DWELLINGS AND DWELLING UNITS.

(1) Every owner of a dwelling containing four or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(2) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

(3) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers.

(4) Every occupant of a dwelling or dwelling unit shall dispose of his garbage and any other organic waste which might provide food for rodents in a clean, sanitary manner by placing it in garbage disposal facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases, the occupant shall furnish such facilities or containers.

(5) Every occupant of a dwelling or dwelling unit shall hang all screens and double or storm doors and windows whenever required under the provisions of this subchapter or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.

(6) Every occupant of a dwelling containing a single dwelling unit shall exterminate any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(7) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

14.43 RESPONSIBILITIES OF OWNERS AND OCCUPANTS RELATING TO THE MAINTENANCE OF ACCESSORY BUILDINGS. Every owner and/or occupant of an accessory building shall maintain the foundation, exterior walls, roof, windows and doors in a reasonably weather tight and waterproof condition and in a reasonably good state of repair.

14.44 CONDEMNATION OF UNFIT DWELLINGS AND DWELLING UNITS.
LEGAL PROCEDURE OF CONDEMNATION AND PLACARDING FOR HUMAN HABITATION. The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

(1) CONDEMNATION OF DWELLINGS AND DWELLING UNITS AS UNFIT FOR HUMAN HABITATION. Any dwelling or dwelling unit which the Building Inspector shall find to have any of the following defects shall be condemned as unfit for human habitation:

(a) One which is damaged, decayed, dilapidated, unsanitary, difficult to heat, unsafe, or vermin infested, creating a hazard to the health or welfare of the occupants or the public, or

(b) One which lacks illumination, ventilation or sanitary facilities adequate to protect the health or welfare of the occupants or the public, or

(c) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or welfare of the occupants or the public.

Any dwelling or dwelling unit may be condemned as unfit for human habitation by the Building Inspector if the owner or occupant failed to comply with any order based on the provisions of this subchapter or rules or regulations adopted pursuant hereto; provided, such dwelling or dwelling unit is, in the opinion of the Building Inspector, unfit for human habitation.

(2) NOTICE TO OWNER OF CONDEMNATION AND INTENT TO PLACARD. Whenever the Building Inspector has condemned a dwelling or dwelling unit as unfit for human habitation, he shall give notice to the owner of such condemnation and of his intent to placard the dwelling unit as unfit for human habitation. Such notice shall:

(a) Be put in writing;

(b) Include a description of the real estate sufficient for identification;

(c) Include a statement of the reason why it is being issued;

(d) Include a description of the repairs and improvements required to bring the condemned dwelling or dwelling unit into compliance with the provisions of this section and any rules and regulations adopted pursuant hereto;

(e) Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to the Building Inspector in accordance with the provision of §§14.37(2) and (3); and

(f) Be served upon the owner; provided, such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally or by sending a copy thereof by certified mail with return receipt requested to his last known address, or, if the certified letter with the copy is returned with a receipt showing it has not been delivered to him, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice. Copies of all condemnation notices shall be forwarded to the Building Inspector, but failure to fulfill this notification to the Building Inspector shall not invalidate the condemnation procedure.

(3) APPEAL OF NOTICE RELATING TO CONDEMNATION. Any owner affected by any notice relating to the condemnation of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Board of Zoning Appeals under the procedure set forth in §§14.37.

(4) PLACARDING OR CONDEMNING DWELLINGS AND DWELLING UNITS AS UNFIT FOR HUMAN HABITATION. After the condemnation notice which is required under sub. (2) has resulted in an order in accordance with §§14.37, the Building Inspector shall placard the affected dwelling or dwelling unit as unfit for human habitation. The Building Inspector shall post, in a conspicuous place upon the affected dwelling or dwelling unit, a placard bearing the following words: "Condemned as Unfit for Human Habitation."

(5) VACATION OF CONDEMNED AND PLACARDED DWELLINGS AND DWELLING UNITS. Any dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation by the Building Inspector shall be vacated within a reasonable time as required by the Building Inspector. No
owner or operator shall let to any person for human habitation and no person shall occupy any dwelling or dwelling unit which has been condemned and placarded by the Building Inspector after the date on which the Building Inspector has required the affected dwelling or dwelling unit to be vacated.

(6) PLACARD NOT TO BE REMOVED UNTIL DEFECTS ARE ELIMINATED. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall be occupied until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(7) PLACARD TO BE REMOVED ONLY BY BUILDING INSPECTOR. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in sub. (6).

14.45 SUBCHAPTER DOES NOT IMPAIR AUTHORITY OF BUILDING INSPECTOR AND/OR CITY TO ACT ON NUISANCES OR TO RAZE BUILDING UNDER §66.05 WIS. STATS. Nothing in this subchapter shall be construed to impair or limit the City in defining and declaring nuisances or the Building Inspector in removing or abating nuisances by summary or other appropriate proceedings or the City and/or the Building Inspector to raze buildings within the City as authorized by Wisconsin Statutes (see §66.05, Wis. Stats).

14.46 SUBCHAPTER DOES NOT ABROGATE PROVISIONS OF BUILDING CODE. The provisions of this subchapter shall not abrogate the responsibility of any person to comply with any provisions of the State Building Code and the Building and Zoning Codes of the City.

14.47 DISCLAIMER ON INSPECTIONS. The purpose of the inspections under this code is to improve the quality of housing in the City. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: “The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied.”

14.48 PENALTIES. Any person violating any order of the Building Inspector based on the provisions of this subchapter or any provisions of any rule or regulation adopted by this Building Inspector pursuant to authority granted by this subchapter, shall upon conviction thereof, be subject to a forfeiture as provided by §25.04 of this Municipal Code. Each violation and each day a violation continues or occurs shall constitute a separate offense. After conviction and punishment for violation of such order of the Building Inspector based upon the provisions of this subchapter or any provisions of any rule or regulation adopted by the Building Inspector, if such person continues to violate such order, such person shall be liable for further prosecution, conviction, and punishment upon such order, without the Building Inspector issuing a new order, until such order has been complied with.

14.49 ACTION TO ABATE. Upon request by the Building Inspector, the City Attorney shall be empowered to bring an action to enjoin the use and/or occupancy of a dwelling unit, dwelling, accessory building or other building covered by this sub-chapter alleged to be in violation of this sub-chapter and such action may include the penalties as provided in §14.47.

14.50 thru 14.60 Reserved

SUBCHAPTER IV: STORMWATER MANAGEMENT (2037 11/28/2000, 2280 05/13/2008)

14.61 AUTHORITY. (1) This ordinance is adopted by the Common Council under the authority granted by §62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under §62.23, Wis. Stats., that relate to stormwater management regulations. Except as otherwise specified in §62.234, Wis. Stats., §62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Baraboo Common Council hereby designates the City Engineer to administer and enforce the provisions of this Ordinance, under the direction of the Public Safety Committee. The City Engineer may appoint assistants to aid in the performance of duties and may seek
technical advice from the State and County agencies as to the adequacy of any proposed plan and permit application submitted to him or her.

(4) The requirements of this ordinance do not pre-empt more stringent stormwater management requirements that may be imposed by any of the following:

(a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §§281.16 and 283.33, Wis. Stats.

(b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under §NR 151.004, Wis. Adm. Code.

14.62 FINDINGS OF FACT. The Common Council finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety, and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

(1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.

(2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens, and other urban pollutants.

(3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.

(4) Reduce the quality of groundwater by increasing pollutant loading.

(5) Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.

(6) Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes.

(7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

14.63 PURPOSE AND INTENT.

(1) PURPOSE. The general purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare, and the aquatic environment. Specific purposes are to:

(a) Further the maintenance of safe and healthful conditions.

(b) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish, and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

(c) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

(d) Promote the public health, safety, prosperity, and general welfare of the citizens of the City of Baraboo by conserving the soil, water, and related resources and control erosion and sedimentation.

(2) INTENT. It is the intent of the Common Council that this ordinance regulates post-construction storm-water discharges to waters of the state. This ordinance may be applied on a site-by-site basis. The Common Council recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under §281.16, Wis. Stats., for regional stormwater management measures and have been approved by the Common Council, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.
14.64 APPLICABILITY AND JURISDICTION.

(1) APPLICABILITY.

(a) Where not otherwise limited by law, this ordinance applies after final stabilization to a site of land disturbing construction activity meeting any of the criteria in this paragraph, unless the site is otherwise exempt under paragraph (b).

1. A post-development construction site with one or more acres of land disturbing construction activity.

2. A post-development commercial or industrial construction site with a gross aggregate area of 0.5 acres or more.

(b) A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance.

1. A redevelopment post-construction site with no increase in exposed parking lots or roads.

2. A post-construction site with less than 10% connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre.

3. Nonpoint discharges from agricultural facilities and practices.

4. Nonpoint discharges from silviculture activities.

5. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

6. Underground utility construction such as water, sewer, and fiberoptic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.

(c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to post-construction sites of any size that, in the opinion of the City Engineer, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) JURISDICTION. This ordinance applies to post construction sites within the boundaries and jurisdiction of the City of Baraboo and, to the extent allowed by law, to lands subject to extraterritorial plat approval jurisdiction as provided by Ch. 18 of this Code if said lands are within a drainage basin or watershed that discharges stormwater into the City.

(3) EXCLUSIONS. This ordinance is not applicable to activities conducted by a state agency, as defined under §227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under §281.33 (2), Wis. Stats.

14.65 DEFINITIONS.

(1) ADMINISTERING AUTHORITY means the City of Baraboo Engineer, empowered under §62.234, Wis. Stats., that is designated by the Common Council to administer this ordinance.

(2) AGRICULTURAL FACILITIES AND PRACTICES has the meaning given in §281.16, Wis. Stats.

(3) AGRICULTURAL LANDS are lands used for the production of food and fiber, including but not limited to, general farming, livestock, and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production, cranberry production, and wild crop harvesting and includes lands used for on-site structures necessary to carry out such activities.

(4) AVERAGE ANNUAL RAINFALL means a calendar year of precipitation, excluding snow, which is considered typical.

(5) "BEST MANAGEMENT PRACTICE" or "BMP" means structural or non-structural measures, practices, techniques
or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

(6) BUSINESS DAY means a day the office of the City Engineer is routinely and customarily open for business.

(7) CEASE AND DESIST ORDER means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

(8) CITY ENGINEER means the governmental employee designated by the governmental body to administer this Ordinance, and includes any other governmental employees who are supervised by the administrator.

(9) CLOSED WATERSHED shall mean a drainage basin or watershed which does not discharge storm-water during a storm of twenty-four (24) hour duration and two- (2) year recurrence interval occurring over the basin with the land in its predevelopment condition.

(10) COMBINED SEWER SYSTEM means a system for conveying both sanitary sewage and stormwater runoff.

(11) COMMERCIAL LAND USE shall mean use of the land for the retail or wholesale of goods or services.

(12) CONNECTED IMPERVIOUSNESS means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.

(13) CONTROL PLAN is a written description approved by the City Engineer's authority, of methods for controlling sediment pollution from accelerated erosion on a development area and/or from erosion caused by accelerated runoff from a development area and controlling runoff.

(14) CUBIC YARDS means the amount of material in excavation and/or fill measured by the method of "average end areas."

(15) CURVE NUMBER shall mean as used in the runoff calculation methodology promulgated by the United States Soil Conservation Service National Engineering Handbook (see App. B).

(16) DESIGN STORM means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

(17) DEVELOPMENT means residential, commercial, industrial or institutional land uses, and associated roads.

(18) DIVISION OF LAND means the creation from one parcel of [number] or more parcels or building sites of [number] or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5-year period.

(19) EFFECTIVE INFILTRATION AREA means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

(20) EROSION means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

(21) EXCEPTIONAL RESOURCE WATERS means waters listed in §NR 102.11, Wis. Adm. Code.

(22) EXCAVATION means any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

(23) EXTRATERRITORIAL means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

(24) EXISTING GRADE means the vertical location of the existing ground surface prior to excavation of filling.

(25) FILL means any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by humans to a new location and shall include the conditions resulting therefrom.

(26) FINAL STABILIZATION means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

(27) FINANCIAL GUARANTEE means a performance bond, maintenance bond,
surety bond, irrevocable letter of credit, or similar guarantees submitted to the City Engineer by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.

(28) GOVERNING BODY means the Baraboo City Council.

(29) GRADING is altering the elevation of the land surface by stripping, excavating, filling, stockpiling of soil materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.

(30) HYDROLOGIC SOIL GROUP shall mean as used in the runoff calculation methodology promulgated by the United States Soil Conservation Service National Engineering Handbook (see Appendix C).

(31) IMPERVIOUS SURFACE means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. rooftops, sidewalks, driveways, parking lots, and streets are examples of areas that typically are impervious.

(32) INDUSTRIAL LAND USE shall mean exterior storage areas, loading and unloading areas, equipment washing areas or other area or surface directly associated with an industrial process or a land use activity covered under the Wisconsin Pollutant Discharge Elimination System.

(33) IN-FILL AREA means an undeveloped area of land located within existing development.

(34) INFILTRATION means the entry of precipitation or runoff into or through the soil.

(35) INFILTRATION SYSTEM means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downsputs onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

(36) KARST FEATURE means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, or swallets.

(37) LAND DISTURBING CONSTRUCTION ACTIVITY means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.

(38) LAND OCCUPIER OR OCCUPIER OF LAND means any person, partnership, firm or corporation that has a fee simple interest in the land either as sole owner, as a tenant in common or a joint tenant or holds as a trustee, assignee, or holds as a land contract vendee.

(39) LAND USERS are those who use land, individually or collectively as owners, operators, lessors, renters, occupiers who are providing a service that requires access or alterations of the land in order to perform the service, or by other arrangement which gives them the responsibility of private or public land use.

(40) MAINTENANCE AGREEMENT means a legal document that provides for long-term maintenance of stormwater management practices.

(41) "MEP" or MAXIMUM EXTENT PRACTICABLE means a level of implementing best management practices in order to achieve a performance standard specified in this ordinance which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

(42) NEW DEVELOPMENT means development resulting from the conversion of previously undeveloped land or agricultural land uses.

(43) OFF-SITE means located outside the property boundary described in the permit application.

(44) ON-SITE means located within the property boundary described in the permit application.
ORDINARY HIGH-WATER MARK has the meaning given in §NR 115.03(6), Wis. Adm. Code.

OUTSTANDING RESOURCE WATERS means waters listed in §NR 102.10, Wis. Adm. Code.

PARCEL is all contiguous lands under the ownership or control of a land occupier or land user.

PEAK FLOW is the maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from the predetermined storm or flood.

PERCENT FINES means the percentage of a given sample of soil, which passes through a # 200 sieve.

PERFORMANCE STANDARD means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

PERMIT means a written authorization made by the City Engineer to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

PERMITTEE means any person to whom a permit is issued under this Ordinance.

PERMIT ADMINISTRATION FEE means a sum of money paid to the City Engineer by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

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

PERVIOUS SURFACE means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

POLLUTANT has the meaning given in §283.01(13), Wis. Stats.

POLLUTION has the meaning given in §281.01(10), Wis. Stats.

POST-CONSTRUCTION SITE means a construction site following the completion of land disturbing construction activity and final site stabilization.

PRE-DEVELOPMENT CONDITION means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner. For the purposes of this ordinance, predevelopment conditions shall mean land which has runoff characteristics equivalent to runoff curve numbers of: 30, 58, 71, and 78.

PREVENTIVE ACTION LIMIT has the meaning given in §NR 140.05(17), Wis. Adm. Code.

PUBLIC LANDS mean all lands that are subject to regulation by the City, including, but not limited to:

(a) All lands owned or controlled by the City, and

(b) All land, within the boundaries or extraterritorial control of the City, which are owned by another unit of government if that unit of government is acting in a proprietary rather than governmental function.

RECISSION INTERVAL of a storm of given intensity and duration is the average period of time between storms of the same duration and equal or greater intensity.

REDEVELOPMENT means areas where development is replacing older development.

REMOVAL means cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.

RESPONSIBLE PARTY means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction stormwater BMPs.

RUNOFF means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

SEDIMENT is solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the earth’s surface at a different site.

SEDIMENTATION is the transportation and deposition of sediment that may ultimately degrade water quality by the presence of suspended solid particles,
derived from soils by erosion or discharged into surface waters from other sources; or the deposition of water borne sediments in stream channels, lakes, reservoirs, or on floodplains, usually because of a decrease in the velocity of the water.

(71) SEPARATE STORM SEWER means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

(a) Is designed or used for collecting water or conveying runoff.
(b) Is not part of a combined sewer system.
(c) Is not draining to a stormwater treatment device or system.
(d) Discharges directly or indirectly to waters of the state.

(72) SITE means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.

(73) STOP WORK ORDER means an order issued by the City Engineer which requires that all construction activity on the site be stopped.

(74) STORM(WATER) RUNOFF is the water derived from rains falling within a tributary drainage basin, flowing over the surface of the ground or collected in channels, watercourses or conduits.

(75) STORM SEWER is a closed conduit for conducting collected stormwater.

(76) STORMWATER DRAINAGE FACILITY is any element in a stormwater drainage system that is made or improved by humans.

(77) STORMWATER DRAINAGE SYSTEM is all facilities used for conducting stormwater to, through, and from a drainage area to the point of final outlet, including but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets and pumping stations.

(78) STORMWATER MANAGEMENT PLAN means a comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has under gone final stabilization following completion of the construction activity.

(79) STORMWATER MANAGEMENT SYSTEM PLAN is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

(80) STRUCTURAL MEASURES are works of improvement for land stabilization to prevent erosion, sediment or runoff which includes, but are not limited to, gully control structures, grass waterways, riprap, detention basins, sediment basins, flood retention dams, diversions, lining channels with rock, concrete or other materials. Contour strip cropping is not a structural measure.

(81) TECHNICAL STANDARD means a document that specifies design, predicted performance, and operation and maintenance specifications for a material, device or method.

(82) TOP OF THE CHANNEL means an edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.


(84) TYPE II DISTRIBUTION means a rainfall type curve as established in United States Department of Agriculture, Soil Conservation Service, *Technical Paper 149*, published 1973. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

(85) WATERS OF THE STATE has the meaning given in §281.01 (18), Wis. Stats.

14.66 TECHNICAL STANDARDS. The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of stormwater practices needed to meet the water quality standards of this ordinance:

(1) Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under Subch. V of Ch. NR 151, Wis. Admin. Code.
(2) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the City Engineer.

(3) In this ordinance, the following year and location has been selected as average annual rainfall: Madison, 1981 (Mar.12-Dec. 2).

14.67 PERFORMANCE STANDARDS.

(1) RESPONSIBLE PARTY. The responsible party shall implement a post-construction stormwater management plan.

(2) PLAN. A written stormwater management plan in accordance with 14.69 shall be developed and implemented for each post-construction site.

(3) REQUIREMENTS. The plan required under sub. (2) shall include the following:

(a) Total Suspended Solids. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

1. For new development, by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this subdivision.

2. For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load by 40%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this subdivision.

3. For in-fill development under 5 acres that occurs within 10 years after October 1, 2002, by design, reduce to the maximum extent practicable, the total suspended solids load by 40%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this subdivision.

4. For in-fill development that occurs 10 or more years after October 1, 2002, by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this subdivision.

5. Notwithstanding Subs. 1. to 4., if the design cannot achieve the applicable total suspended solids reduction specified, the stormwater management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.

(b) Peak Discharge.

1. By design, BMPs shall be employed to maintain or reduce the peak runoff discharge rates from the post-construction site, according to the following standards:

   a. Limit peak flow rates of storm runoff after development to seventy five percent (75%) of that which would have resulted from the same storm occurring over the site with the land in its predevelopment condition, for storms of twenty-four (24) hour duration and recurrence intervals of two (2), five (5), ten (10), and twenty-five (25) years.

   b. Not increase the peak flow rates of storm runoff after development to that which would have resulted from the same storm occurring over the site with the land in its predevelopment condition, for storms of twenty-four (24) hour
duration and a recurrence interval of 50-years.

c. On sites where on-site detention is used for runoff control, safely contain and safely pass the runoff of a 100-year storm of any duration.

2. Predevelopment Conditions shall mean land which has runoff characteristics equivalent to runoff Curve Numbers (CN) in Table 1:

<table>
<thead>
<tr>
<th>Hydrologic Soil Group</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Runoff Curve Number</td>
<td>30</td>
<td>58</td>
<td>71</td>
<td>78</td>
</tr>
</tbody>
</table>

3. This subsection of the ordinance does not apply to any of the following:
   a. A post-construction site where the change in hydrology due to development does not increase the existing surface water elevation at any point within the downstream receiving water by more than 0.01 of a foot for the 2-year, 24-hour storm event.
   b. A redevelopment post-construction site.
   c. An in-fill development area less than 5 acres.

(c) Runoff Volume. In the case of closed watersheds, the volume of storm runoff resulting from the ten-(10) year storm of twenty-four (24) hour duration shall not be greater after development than would have resulted from the same storm occurring over the site with the land in its pre-development condition.

(d) Infiltration. BMPs shall be designed, installed, and maintained to infiltrate runoff to the maximum extent practicable in accordance with the following, except as provided in Subs. 5. through 8.

1. For residential developments one of the following shall be met:

   a. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the project site is required as an effective infiltration area.

   b. Infiltrate 25% of the post-development runoff from the two-year -24 hour design storm with a type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the project site is required as an effective infiltration area.

2. For non-residential development, including commercial, industrial, and institutional development, one of the following shall be met:

   a. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.

   b. Infiltrate 10% of the runoff from the two-year - 24 hour design storm with a type II distribution. Separate curve numbers for pervious and
impervious surfaces shall be used to calculate runoff volumes, and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.

3. Pre-development condition shall be the same as in par. (b).

4. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial, and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with Sub. 8. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

5. Exclusions. The runoff from the following areas are prohibited from meeting the requirements of this paragraph:

a. Areas associated with tier 1 industrial facilities identified in §NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, rooftop, and parking.

b. Storage and loading areas of tier 2 industrial facilities identified in §NR 216.21(2)(b), Wis. Adm. Code.

c. Fueling and vehicle maintenance areas.

d. Areas within 1000 feet upgradient or within 100 feet downgradient of karst features.

e. Areas with less than 3 feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, except this Sub. 5.e. does not prohibit infiltration of roof runoff.

f. Areas with runoff from industrial, commercial, and institutional parking lots and roads and residential arterial roads with less than 5 feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.

g. Areas within 400 feet of a community water system well as specified in §NR 811.16 (4), Wis. Adm. Code, or within 100 feet of a private well as specified in §NR 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial, and institutional land uses or regional devices for residential development.

h. Areas where contaminants of concern, as defined in §NR 720.03(2), Wis. Adm. Code are present in the soil through which infiltration will occur.

i. Any area where the soil does not exhibit one of the following soil characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: at least a 3-foot soil layer with 20% fines or greater; or at least a 5-foot soil layer with 10% fines.
percent fines or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This Sub. 5.i. does not prohibit infiltration of roof runoff.

6. Exemptions. The following are not required to meet the requirements of this paragraph:

a. Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the site.

b. Parking areas and access roads less than 5,000 square feet for commercial and industrial development.

c. Redevelopment post-construction sites.

d. In-fill development areas less than 5 acres.

e. Infiltration areas during periods when the soil on the site is frozen.

f. Roads in commercial, industrial and institutional land uses, and arterial residential roads.

7. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this paragraph.

a. Infiltration systems designed in accordance with this paragraph shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to ground water and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Ch. NR 140, Wis. Adm. Code. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

b. Notwithstanding Sub. par. a., the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(e) Protective Areas.

1. "Protective area" means an area of land that commences at the top of the channel of lakes, streams, and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this paragraph, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.

a. For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in §NR 103.04, 75 feet.

b. For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.

c. For lakes, 50 feet.

d. For highly susceptible wetlands, 50 feet. Highly susceptible wetlands include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes, and seasonally flooded basins. Wetland
boundary delineations shall be made in accordance with §NR 103.08(1m). This paragraph does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.

c. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass.

d. In §1.a., d. and e., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in §NR 103.03.

g. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.

2. This paragraph applies to post-construction sites located within a protective area, except those areas exempted pursuant to Sub. 4.

3. The following requirements shall be met:

a. Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. The stormwater management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.

b. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of 70% or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

c. Best management practices such as filter strips, swales, or wet detention basins that are designed to control pollutants from non-point sources may be located in the protective area.

4. This paragraph does not apply to:

a. Redevelopment post-construction sites.

b. In-fill development areas less than 5 acres.

c. Structures that cross or access surface waters such as boat landings, bridges, and culverts.

d. Structures constructed in accordance with §59.692(1v), Wis. Stats.

e. Post-construction sites from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.

(f) DRAINAGE SYSTEM. Where conditions are such that the depth to the water table is three (3) feet or greater during at least nine (9) months of the year, the stormwater drainage system for the site shall include grassed swales for area drainage and underground perforated drainage pipe for storm runoff conveyance, except on industrial and commercial sites, or
sites where the City Engineer finds the above to be impracticable.

(g) FUELING AND VEHICLE MAINTENANCE AREAS. Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen.

(h) SWALE TREATMENT FOR TRANSPORTATION FACILITIES.

1. Applicability. Except as provided in Sub. 2., transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:

   a. Be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

   b. Carry runoff through a swale for 200 feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second for the peak flow generated using either a 2-year, 24-hour design storm or a 2-year storm with a duration equal to the time of concentration as appropriate. If a swale of 200 feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable.

2. Exemptions. The City Engineer may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with an average daily travel of vehicles greater than 2,500 and where the initial surface water of the state that the runoff directly enters is any of the following:

   a. Outstanding resource waters.
   b. Exceptional resource waters.
   c. Waters listed in §303(d) of the federal clean water act that are identified as impaired in whole or in part, due to nonpoint source impacts.
   d. Waters where targeted performance standards are developed under §NR 151.004, Wis. Adm. Code, to meet water quality standards.

(4) GENERAL CONSIDERATIONS FOR ON-SITE AND OFF-SITE STORMWATER MANAGEMENT MEASURES. The following considerations shall be observed in managing runoff:

   a. Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.

   b. Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(5) LOCATION AND REGIONAL TREATMENT OPTION.

   a. The BMPs may be located on-site or off-site as part of a regional stormwater device, practice or system.

   b. Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this ordinance. Post-construction BMPs may be located in non-navigable surface waters.

   c. Except as allowed under par. (d), post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.
(d) Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this ordinance if:

1. The BMP was constructed prior to the effective date of this ordinance and the BMP either received a permit issued under Ch. 30, Stats., or the BMP did not require a Ch. 30, Wis. Stats., permit; and

2. The BMP is designed to provide runoff treatment from future upland development.

(e) Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this paragraph.

1. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.

2. Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state, and local regulations such as Ch. NR 103, Wis. Adm. Code and Ch. 30, Wis. Stats.

(f) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this chapter.

(g) The City Engineer may approve off-site management measures provided that all of the following conditions are met:

1. The City Engineer determines that the post-construction runoff is covered by a storm-water management system plan that is approved by the City of Baraboo and that contains management requirements consistent with the purpose and intent of this ordinance.

2. The off-site facility meets all of the following conditions:

   a. The facility is in place.

   b. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.

   c. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

(h) Where a regional treatment option exists such that the City Engineer exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the City Engineer. In determining the fee for post construction runoff, the City Engineer shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(6) ALTERNATE REQUIREMENTS. The City Engineer has established the following stormwater management requirements more stringent than those set forth in order to provide an added level of protection for sensitive resources.

14.68 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

(1) PERMIT REQUIRED. Unless specifically excluded by this Ordinance, no land occupier or land user may undertake a land disturbing activity subject to this Ordinance without receiving a permit from the City Engineer prior to commencing the proposed activity. The Building Inspector shall not issue a building permit or construction site permit involving any land disturbing activity unless and until a determination has been made by the City Engineer whether a permit is required under this subchapter. Each land occupier or land user desiring to undertake a regulated activity subject to this ordinance shall submit to the City Engineer an application for a permit together with the appropriate fee required by the fee schedule as adopted by the City of Baraboo Common Council.
(2) PERMIT APPLICATION AND FEES. Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the City Engineer a permit application made on a form provided by the City Engineer for that purpose.

(a) Exceptions to these requirements are as follows:

1. The owner and occupier of public lands are exempt from payment of any permit fees;

2. For its convenience, the City Engineer may enter into an agreement with public or private utilities and governmental units to waive the need for a permit for each individual land disturbing activity, if the utility or governmental unit will agree to adopt and follow a procedure for each land disturbing activity that meets all applicable standards contained in this Ordinance. Further, the agreement shall provide that in the event that a utility or governmental unit activity fails to meet the standard, the agreement shall terminate and the utility or governmental unit shall be subject to the penalties set forth herein.

(b) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a storm-water management plan, a maintenance agreement, and a non-refundable permit administration fee.

(c) The stormwater management plan shall be prepared to meet the requirements of 14.67 and 14.69, the maintenance agreement shall be prepared to meet the requirements of 14.70, the financial guarantee shall meet the requirements of 14.71, and fees shall be those established by the Common Council as set forth in 14.72.

(3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The City Engineer shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

(a) Within 30 calendar days of the receipt of a complete permit application, including all items as required by Sub. (2), the City Engineer shall inform the applicant in writing whether the application, plan, and maintenance agreement are approved or disapproved based on the requirements of this ordinance.

(b) If the stormwater permit application, plan, and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the City Engineer shall issue the permit.

(c) If the stormwater permit application, plan or maintenance agreement is disapproved, the City Engineer shall detail in writing the reasons for disapproval.

(d) The City Engineer may request additional information from the applicant. If additional information is submitted, the City Engineer shall have 30 business days from the date the additional information is received to inform the applicant that the plan, and maintenance agreement are either approved or disapproved.

(e) Failure by the City Engineer to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(4) PERMIT REQUIREMENTS. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The City Engineer may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the City Engineer to suspend or revoke this permit may be appealed in accordance with 14.75.

(a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.

(b) The responsible party shall design and install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.
The responsible party shall notify the City Engineer at least 2 business days before commencing any work in conjunction with the stormwater management plan, and within ten business days upon completion of the stormwater management practices. If required as a special condition under Sub. (5), the responsible party shall make additional notification according to a schedule set forth by the City Engineer so that practice installations can be inspected during construction.

Practice installations required as part of this ordinance shall be certified "as built" by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the City Engineer or its designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The City Engineer or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

The responsible party shall notify the City Engineer of any significant modifications it intends to make to an approved stormwater management plan. The City Engineer may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm-water management plan and execution by the responsible party.

The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the Common Council, or are transferred to subsequent private owners as specified in the approved maintenance agreement. The responsible party authorizes the City Engineer to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Subch. VII of Ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under 14.71.

If so directed by the City Engineer, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.

The responsible party shall permit property access to the City Engineer or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.

Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the City Engineer may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

The responsible party is subject to the enforcement actions and penalties detailed in 14.74, if the responsible party fails to comply with the terms of this permit.

Permit Conditions. In addition to the requirements needed to meet the performance standards in 14.67 or a financial guarantee as provided for in 14.71, all permits issued under this Ordinance shall be issued subject to the following conditions and requirements and any permittee who begins to perform any land disturbing activity authorized by permit shall be deemed to have accepted all of these conditions:

(a) That all land disturbances, construction and development will be done pursuant to the control plan as approved by the City Engineer.

(b) That the permittee shall file a notice of completion of all land disturbing activities and/or the completion of installation of all on-site detention facilities within 10 days after completion.

(c) That approval in writing must be obtained from the City Engineer prior to any modifications to the approved control plan.
(d) That the permittee will be responsible for maintaining all roads, road rights of way, streets, runoff, and drainage facilities and drainage ways as specified in the approved plan until they are accepted and become the responsibility of a governmental entity.

(e) That the permittee will be responsible for repairing any damage at his or her expense to all adjoining surfaces and drainage ways caused by runoff and/or sedimentation resulting from activities which are not in compliance with the approved plan.

(f) That the permittee must provide and install at his or her expense all drainage, and runoff control improvements as required by this Ordinance and the approved control plan, and also must bear his or her proportionate share of the total cost of off site improvements to drainage ways based upon the existing developed drainage area or planned development of the drainage area, as determined by the City Engineer, in accordance with Ch. 18 of this Code.

(g) That no work will be done on the site during any period of time that the average hourly wind velocity at the location of the land disturbing activity exceeds twenty (20) miles per hour, unless provision has been made to eliminate dust and blowing dirt.

(h) That no portion of the land which undergoes the land disturbing activity will be allowed to remain uncovered for greater than two (2) weeks after notice is given to the City Engineer that the land disturbing activity is completed.

(i) That the permittee agrees to permit the City Engineer to enter onto the land regulated under this Ordinance for the purpose of inspecting for compliance with the approved control plan and permit.

(j) That the permittee authorizes the City Engineer to perform any work or operations necessary to bring the condition of the lands into conformity with the approved control plan or plan as modified by the City Engineer and further consents to the City of Baraboo placing the total of the costs and expenses of such work and operations upon the tax roll as a special tax against the property.

(6) Permit Duration. Permits issued under this section shall be valid for a period beginning with the date of issuance by the City Engineer and extending six months from the date of issuance. All work must be completed prior to the expiration date of the permit. However, the City Engineer is authorized to extend the expiration date of the permit if he or she finds that such an extension will not cause an increase in runoff. The City Engineer is further authorized to modify the plans if necessary to prevent any increase in runoff resulting from any extension.

14.69 STORMWATER MANAGEMENT PLAN.

(1) PLAN REQUIREMENTS. The stormwater management plan required under 14.67(2) shall contain any such information that the City Engineer may need to determine requirements for runoff control. The plan shall contain at a minimum the following information:

(a) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; and person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.

(b) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.

(c) Pre-development site conditions, including one or more site maps at a scale of not less than one inch equals 100 feet. The site maps shall show the following:

1. Site location and legal property description;
2. Predominant soil types and hydrologic soil groups;
3. Existing cover type and condition;
4. Existing impervious surfaces and structures;
5. Topographic contours of the site at a scale not to exceed five feet;
6. Topography and drainage network including enough of the contiguous...
properties to show runoff patterns onto, through, and from the site;
7. Watercourses that may affect or be affected by runoff from the site;
8. Flow path and direction for all stormwater conveyance sections;
9. Watershed boundaries used in hydrology determinations to show compliance with performance standards;
10. Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site;
11. Limits of the 100 year floodplain;
12. Location of wells and wellhead protection areas covering the project area and delineated pursuant to §NR 811.16, Wis. Adm. Code.

(d) Post-development site conditions, including:

1. Name, address, and telephone number of the land occupier, along with the name and telephone number of the party responsible for maintaining erosion control structures.
2. Limits of natural floodplain(s), based on a 100-year flood, if any.
3. A timing schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area of soil disturbing activity prior to the completion of effective measures for erosion and sediment control.
4. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
5. Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.
6. One or more site maps at a scale of not less than 1 inch equals 100 feet showing the following:

   a. Post-construction pervious areas including vegetative cover type and conditions (description shall be in such terms as: lawn, turfgrass, shrubbery, trees, forest cover, riprap, mulch, etc.);
   b. Makeup of proposed surface soil (upper six inches) on areas not covered by buildings, structures, or pavement (description shall be in such terms as: original surface soil, subsoil, sandy, heavy clay, stony, etc.);
   c. Impervious surfaces including all buildings, structures, and pavement, shown in square feet or to scale on a plan map;
   d. Post-construction vertical topography at a contour interval suitable to the site and as approved by the City Engineer up to a maximum five (5) foot contour interval;
   e. Post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements;
   f. Locations of maintenance easements specified in the maintenance agreement;
   g. Flow path and direction for all stormwater conveyance sections;
   h. Location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area;
   i. Location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way;
   j. Watershed boundaries used in hydrology and pollutant loading calculations and any changes to
lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site;

d. Proposed provisions to carry runoff to the nearest adequate outlet, such as a curved street, storm drain or natural drainage way, including the routing of roof drainage;

e. Design computations and applicable assumptions for all structural measures for erosion and sediment pollution control and water management. Volume and velocity of flow must be given for all surface water conveyance measures and pipe outfalls. Surface runoff computations shall be submitted to the City Engineer in accordance with current administrative guidelines approved by the Public Safety Committee;

f. Estimate of cost of erosion and sediment control and water management structures and features;

g. Provisions for maintenance of control facilities including easements to insure short as well as long term stormwater management. The future maintenance plan shall describe the recommended periods for inspection and maintenance as well as list the responsible parties to perform the work. Anticipated costs for regular maintenance shall be included in the plan;

h. Seeding mixtures and rates, lime, and fertilizer application rates, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

8. Results of investigations of soils and groundwater required for the placement and design of stormwater management measures. Detailed drawings including cross-sections and profiles of all
permanent stormwater conveyance and treatment practices.

(e) A description and installation schedule for the stormwater management practices needed to meet the performance standards in 14.67.

(f) A maintenance plan developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.

(g) Cost estimates for the construction, operation, and maintenance of each stormwater management practice.

(h) Other information requested in writing by the City Engineer to determine compliance of the proposed stormwater management measures with the provisions of this ordinance.

(i) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.

(2) ALTERNATE REQUIREMENTS. The City Engineer may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under §14.67(5).

(3) PLANS PREPARED BY CITY ENGINEER. As an alternative to submitting the control plan for parcels of 0.5 acre or less, as specified in §14.64(1) the City Engineer may, if time permits, prepare a runoff control plan for the applicant's proposed land disturbing activity, adequate to meet the appropriate standards of §14.67. The City Engineer may require the applicant to submit any data or information that is necessary to prepare such a plan. Also, the applicant must submit the permit application and appropriate application fee as specified in §14.72. In addition to the permit application fee, the applicant must pay the plan preparation fee as specified in the schedule as adopted by the Common Council.

14.70 MAINTENANCE AGREEMENT.

(1) MAINTENANCE AGREEMENT REQUIRED. The maintenance agreement required under §14.68(2) for stormwater management practices shall be an agreement between the City Engineer and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.

(2) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by §14.69(1)(f):

(a) Identification of the stormwater facilities and designation of the drainage area served by the facilities.

(b) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under §14.67(2).

(c) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the stormwater management practices identified in the stormwater management plan required under §14.67(2).

(d) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in par. (b).

(e) Authorization for the City Engineer to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.

(f) A requirement on the City Engineer to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.

(g) Agreement that the party designated under par. (c), as responsible for long term maintenance of the stormwater
management practices, shall be notified by the City Engineer of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the City Engineer.

(h) Authorization of the City Engineer to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The City Engineer shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Subch. VII of Ch. 66, Wis. Stats.

14.71 FINANCIAL GUARANTEE.

(1) ESTABLISHMENT OF THE GUARANTEE. The City Engineer may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the City Engineer. The financial guarantee shall be in an amount determined by the City Engineer to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the City Engineer the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the administering authority that the requirements of this ordinance have not been met.

(2) CONDITIONS FOR RELEASE. Conditions for the release of the financial guarantee are as follows:

(a) The City Engineer shall release the portion of the financial guarantee established under this section, less any costs incurred by the City Engineer to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The City Engineer may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

(b) The City Engineer shall release the portion of the financial guarantee established under this section to assure maintenance of stormwater practices, less any costs incurred by the City Engineer, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

14.72 FEES.

(1) FEE SCHEDULE. The fees referred to in other sections of this ordinance shall be established by the City Engineer and may from time to time be modified by resolution. A schedule of the fees established by the City Engineer shall be available for review in the City Clerk’s office.

(2) CONSULTANT SERVICES. If the City retains the services of professional consultants, including, but not limited to planners, engineers, architects, attorneys, environmental specialists, and/or other experts to assist the City in its review of a proposed permit application and/or runoff control plan, and/or if the City Engineer prepares or assists in the preparation of a runoff control plan for the development, the applicant/developer may be required to reimburse the City for the City Engineer’s time and for the costs incurred by the City to retain the services of such professional consultants and such reimbursement shall be in addition to the permit fees and other fees paid by the applicant/developer. The applicant/developer shall reimburse the City for said costs promptly upon being invoiced for the same and the City may withhold issuance of a permit or delay final approval of a permit until the said costs and fees are reimbursed to the City in full. If the costs and fees are not reimbursed to the City within 30 days of the date of billing, an additional administrative collection charge of 10% of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid and such charge shall be extended upon the current or next tax roll as a charge against the subject property for current services as provided in §66.60(16), Wis. Stats. The City may require the applicant/developer to enter into an agreement providing for the reimbursement to the City for said costs and the said agreement may require the applicant/developer to file with the City an Irrevocable Letter of Credit or other appropriate sureties meeting the approval of the City Attorney equal to the estimated cost of said services.

14.73 ADMINISTRATION. In the administration and enforcement of this Ordinance, the City Engineer shall perform the following duties:

(1) Keep an accurate record of all plan data received, plans approved, permits issued, inspections made and other official actions and make a periodic permit activity report to the Public Safety Committee.
(2) Prepare plans for runoff control when requested to do so by the permit application pursuant to §14.68, but only after the appropriate fee is received.

(3) Review all plans and permit applications received when accompanied with the necessary information and the appropriate fee and issue the permits required by §14.68(1) of this Code in accordance with the procedure as set out in this Code, but only when the erosion, sedimentation and runoff will be controlled to meet the standards of §14.67.

(4) Investigate all complaints made to the application of this Ordinance.

(5) Revoke any permit granted under this Ordinance if it is found that the holder of the permit has misrepresented any material fact in his or her permit application or plan; or has failed to comply with the plan as originally approved or as modified in writing subsequently by the City Engineer; or has violated any of the other conditions of the permit as issued to the applicant.

14.74 ENFORCEMENT.

(1) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.

(2) The City Engineer shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken.

(3) Upon receipt of written notification from the City Engineer under Sub. (2), the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the City Engineer in the notice.

(4) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the City Engineer may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City Engineer plus interest and legal costs shall be billed to the responsible party.

(5) The City Engineer is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the City Attorney to obtain a cease and desist order in any court with jurisdiction.

(6) The City Engineer may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.

(7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the City Engineer or by a court with jurisdiction.

(8) The City Engineer is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the City Attorney for the commencement of further legal proceedings in any court with jurisdiction.

(9) Any person, firm, association, or corporation who does not comply with the provisions of this Code shall be subject to a forfeiture of not less than $50 or more than $500 per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

(10) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

(11) When the City Engineer determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the City Engineer or a party designated by the City Engineer may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The City Engineer shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to §14.61 of this Code. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and
expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

14.75 APPEALS.

(1) BOARD OF PUBLIC WORKS. The Board of Public Works (Public Safety Committee) shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the City Engineer in administering this ordinance. The committee shall use the rules, procedures, duties, and powers authorized by §62.14, Wis. Stats., §1.24 of this Code, and such other powers and duties assigned by the Council. Upon appeal, the committee may authorize variances from the provisions of this ordinance that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.

(2) WHO MAY APPEAL. Appeals to the committee may be taken by any aggrieved person or by an officer, department, board, or bureau of the City of Baraboo affected by the order, requirement, decision or determination made by the City Engineer. For the purpose of this Ordinance, aggrieved person shall include applicant and property owners who own land that is subject to the Ordinance.

14.76 SEVERABILITY. If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

14.76 EFFECTIVE DATE. This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Common Council of the City of Baraboo on the 13th day of May, 2008.

14.78 thru 14.79 (Reserved)

SUBCHAPTER V: ILLICIT STORMWATER DISCHARGE

14.80 GENERAL PROVISIONS

(1) AUTHORITY. This chapter is adopted under the authority granted by §283.33, Wis. Stats. and required by §NR 216.07(3)(a), Wis. Adm. Code.

(2) LEGISLATIVE FINDINGS. The Common Council of the City of Baraboo finds that discharges to the municipal separate storm sewer system that are not composed entirely of stormwater run-off contribute to increased nonpoint source pollution and degradation of receiving waters. The impacts of these discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters.

(3) PURPOSE AND INTENT. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process. The objectives of this ordinance are:

(a) To regulate the contribution of non stormwater pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;

(b) To prohibit illicit connections and discharges to the municipal separate storm sewer system.

(c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

(4) 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, rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

(5) 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 requirement or interpretation shall control.

14.81 DEFINITIONS.

(1) ACCIDENTAL DISCHARGE means a discharge prohibited by this ordinance that occurs by chance and without planning or thought prior to occurrence.

(2) BEST MANAGEMENT PRACTICE (BMP) means a practice, technique, or measure that is an effective, practical means of preventing or reducing the discharge of pollutants directly or indirectly to stormwater, receiving waters,
or stormwater conveyance systems. This can include a structural or operational practice, schedule of activities, prohibition of practices, general good house keeping, pollution prevention and educational practices, maintenance procedures, and other management practices systems. A BMP may also be a practice that controls site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(3) **CLEAN WATER ACT** means the Federal Water Pollution Control Act (33 U.S.C. §1251 et seq.), and any subsequent amendments thereto.

(4) **CONSTRUCTION ACTIVITY** means any land alterations or disturbances that may result in soil erosion, sedimentation, or change in runoff including but not limited to removal of ground cover, grading, excavating, and filling of land.

(5) **DIRECTOR OF PUBLIC WORKS** means the individual, or the individual's designee, or the firm, or a representative of the firm, appointed or retained by the City Council assigned or charged with the responsibility of directing City public works programs and projects, including street maintenance, sewer and water construction, and garbage, recycling and yard waste collection.

(6) **HAZARDOUS MATERIAL** means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, trans-ported, disposed of, or otherwise managed.

(7) **ILLICIT DISCHARGE** means any direct or indirect non-stormwater discharge to the municipal separate storm sewer system, except as exempted in 14.84(1)(b) of this ordinance.

(8) **ILLEGAL CONNECTION** means either of the following:

   (a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

   (b) Any pipe, open channel, drain or conveyance connected to the municipal separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(9) **INDUSTRIAL ACTIVITY** means activities subject to NPDES Industrial Permits as defined in 40 CFR, §122.26 (b)(14).

(10) **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, City streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

   (a) Owned and maintained by the City of Baraboo;

   (b) Not a combined sewer; and

   (c) Not part of a publicly owned treatment works.

(11) **WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) STORM WATER DISCHARGE PERMIT** means a permit issued by the Wisconsin Department of Natural Resources (WDNR) under authority delegated pursuant to 33 USC §1342(b) that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis.

(12) **NON-STORMWATER DISCHARGE** means any discharge to the storm drain system that is not composed entirely of stormwater.

(13) **PERSON** means except to the extent exempted from this ordinance, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.
(14) POLLUTANT means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

(15) POLLUTION means the contamination or other alteration of any water’s physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

(16) PREMISES means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(17) STORM DRAINAGE SYSTEM means publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(18) STORMWATER means the flow of water that results from, and which occurs during and immediately following, a rainfall, snow- or ice-melt event.

(19) STORMWATER POLLUTION PREVENTION PLAN means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(20) STORMWATER RUNOFF means the waters derived from rains falling or snowmelt or icemelt occurring within a drainage area, flowing over the surface of the ground and/or collected in channels, watercourses or conduits.

(21) STRUCTURAL STORMWATER CONTROL means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

(22) WASTEWATER means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

(23) WATERS OF THE STATE has the meaning given in §281.01 (18), Wis. Stats.
4. Rising ground water, ground water infiltration to storm drains, and/or uncontaminated pumped groundwater;
5. Foundation or footing drains (not including active ground water dewatering systems) and crawl space pumps;
6. Air conditioning condensation;
7. Springs;
8. Non-commercial washing of vehicles;
9. Dechlorinated (less than one PPM chlorine) swimming pool water;
10. Firefighting/training activities and other discharges specified in writing by the Director of Public Works as being necessary to protect public health and safety; and
11. Other water sources determined by the Director of Public Works in writing as not containing pollutants that cause or contribute to waterway degradation, including, but not limited to, a violation of applicable water quality standards and/or degradation of the biotic integrity of surface water bodies and their floodplains.

(2) PROHIBITION OF ILLEGAL CONNECTIONS.
(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices application or prevailing at the time of connection.
(b) A person is in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
(c) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Director of Public Works requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Director of Public Works.

14.85 SUSPENSION OF MS4 ACCESS.

(1) SUSPENSION DUE TO ILLICIT DISCHARGES IN EMERGENCY SITUATIONS.
(a) The Director of Public Works may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the state.
(b) If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the state, or to minimize danger to persons.

(2) SUSPENSION DUE TO THE DETECTION OF ILLICIT DISCHARGE.
(a) Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
(b) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

14.86 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES. Any person subject to an industrial or construction activity WPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director of Public Works.
Works prior to the allowing of discharges to the MS4.

14.87 **BEST MANAGEMENT PRACTICES.**

(1) The Director of Public Works may adopt requirements identifying Best Management Practices for any activity, operation, or facility that may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S.

(2) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural and non-structural BMPs identified by the Director of Public Works under Sub. (1).

(3) Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, structural and non-structural BMPs, in addition to those required by sub. (2), to prevent the further discharge of pollutants to the municipal separate storm sewer system.

(4) Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

14.88 **WATERCOURSE PROTECTION.** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

14.89 **ACCESS AND INSPECTION OF PROPERTIES AND FACILITIES.** The Director of Public Works or his/her designee shall be permitted to enter and inspect properties and facilities at reasonable times and as often as necessary to determine compliance with this ordinance.

(1) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the Director of Public Works.

(2) The owner or operator shall allow the Director of Public Works or his/her designee ready access to all parts of the premises for the purposes of inspection, sampling, photography, video-taping, examination and copying of any records that are required under the conditions of an WPDES permit to discharge stormwater.

(3) The Director of Public Works or his/her designee shall have the right to set up on any property or facility such devices as are necessary in the opinion of the Director of Public Works or his/her designee to conduct monitoring and/or sampling of flow discharges.

(4) The Director of Public Works or his/her designee may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the Director of Public Works or his/her designee. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Director of Public Works or his/her designee and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

(6) Unreasonable delays in allowing the Director of Public Works or his/her designee access to a facility is a violation of this ordinance.

(7) If the Director of Public Works or his/her designee has been refused access to any part of the premises from which stormwater is discharged, and the Director of Public Works or his/her designee is able to demonstrate probable cause to believe that
there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued here-under, or to protect the overall public health, safety, environment and welfare of the community, then the Director of Public Works or his/her designee may seek issuance of a search warrant from any court of competent jurisdiction.

14.90  NOTIFICATION OF ACCIDENTAL DISCHARGES AND SPILLS.

(1) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or nonstormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the City's municipal separate storm sewer system, waters of the state, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

(2) Said person shall notify the authorized enforcement agency in person or by phone, facsimile or in person within no more than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director of Public Works within three business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

(3) In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

(4) Failure to provide notification of a release as provided above is a violation of this ordinance.

14.91  VIOLATIONS, APPEALS, AND ENFORCEMENT.

(1) Notice of Violation. Whenever the Director of Public Works or his/her designee finds that a violation of this ordinance has occurred, the Director of Public Works or his/her designee may order compliance by a written notice of violation to the responsible person.

(a) The notice of violation shall contain:
   1. The name and address of the alleged violator;
   2. The address, when available, or a description of the building, structure or land upon which the violation is occurring, or has occurred;
   3. A statement specifying the nature of the violation;
   4. A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
   5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
   6. A statement that the determination of violation may be appealed to the Public Works Committee by filing a written notice of appeal within five (5) days of the service of notice of violation.

(b) Such notice may require without limitation:
   1. The performance of monitoring, analyses, and/or reporting;
   2. The elimination of illicit discharges and illegal connections;
   3. That violating discharges, practices or operations shall cease and desist;
   4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
   5. Payment to cover administrative and abatement costs; and
6. The implementation of pollution prevention practices.

(2) APPEAL OF NOTICE OF VIOLATION.

(a) Any person receiving a Notice of Violation may appeal the determination of the Director of Public Works.
(b) The notice of appeal must be received within five (5) days from the Notice of Violation.
(c) Hearing on the appeal before the Public Safety Committee shall take place within 10 days from the receipt of the notice of appeal.
(d) The decision of the Public Safety Committee shall be final.

(3) ENFORCEMENT/ABATEMENT MEASURES AFTER APPEAL.

(a) If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or in the event of an appeal, within 5 days of the Public Safety Committee upholding the decision of the Director of Public Works, then representatives of the Director of Public Works shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property.
(b) It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(4) COSTS OF ABATEMENT OF THE VIOLATION

(a) Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement including administrative costs.
(b) The property owner may file a written objection to the amount of the assessment within fifteen (15) days.
(c) If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within thirty (30) days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
(d) Any person violating any of the provisions of this section shall become liable to the City by reason of such violation.

14.92 PENALTIES.

(1) CIVIL PENALTIES. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the local permitting authority shall deem appropriate, after the local permitting authority has taken one or more of the actions described in §14.91, the local permitting authority may impose a penalty, not to exceed $1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

(1) CRIMINAL PENALTIES. For intentional and flagrant violations of this ordinance, the local permitting authority may issue a citation to the alleged violator requiring such person to appear in municipal court to answer charges for such violation.

14.93 VIOLATIONS DEEMED A PUBLIC NUISANCE. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

14.94 REMEDIES NOT EXCLUSIVE.

(1) The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable Federal, State, or local law and the City may seek cumulative remedies.
(2) The City of Baraboo may recover in full attorney’s fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

14.95 SEVERABILITY. If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

14.96 EFFECTIVE DATE. This ordinance shall be in force and effect from and after its adoption and publication.

14.97 thru 14.99 (Reserved)
CHAPTER 15

PLUMBING CODE

15.01 STATE REGULATIONS ADOPTED

(1) ADOPTED BY REFERENCE. Ch. 145, Wis. Stats., and the State Plumbing Code, Comm. Chs. 81 to 85 are adopted and by reference made a part of this chapter with the same force and effect as though set out in full. Failure to comply with any of the provisions of such regulations shall constitute a violation of this chapter, punishable according to the penalties provided herein.

(2) TO BE ON FILE. A copy of the State Plumbing Code shall be on file in the office of the Plumbing Inspector.

15.02 PLUMBING DEFINED

In this chapter, "plumbing" means and includes the following:

(1) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems, and the installation thereof.

(2) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewerage system terminal within bounds of or beneath an area subject to easement for highway purposes and its connections.

(4) The water pressure systems other than municipal systems as provided in Ch. 145.04(3), Wis. Stats.

(5) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building; to prohibit cross connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

15.03 PLUMBING INSPECTOR

(1) APPOINTMENT. See §1.03(8) of this code.

(2) QUALIFICATIONS. The Plumbing Inspector shall be a licensed plumber. The Common Council shall be authorized to contract for the services of a plumbing inspector and the contract shall be for a specified term and shall provide that the contract may be renewed or terminated, at the pleasure of the Common Council.

(3) POWERS AND DUTIES.

(a) General. The Plumbing Inspector shall enforce all provisions of this chapter and all other State and City provisions relating to the construction, installation, alteration and repair...
of all plumbing within the City and shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement. In the discharge of his duties, the Plumbing Inspector may enter any building during reasonable hours for the purpose of inspection.

(b) Permits. The Plumbing Inspector shall take applications and issue to qualified applicants permits as required for all work contemplated by this chapter and shall maintain suitable records of the permits issued.

(c) Reports.

1. To Council. The Plumbing Inspector shall make such reports to the Council as it may require concerning the activities of his office.

2. To the Department of Commerce. The Plumbing Inspector shall make such reports to the Department of Commerce as are required under §45.04(3), Wis. Stats.

(d) Stop Work Orders. The Plumbing Inspector may order work stopped on the construction, installation, alteration or repair of plumbing when such work is being done in violation of this chapter. Work so stopped shall not be resumed except on written permission of the Plumbing Inspector, provided that if the stop work order is an oral one, it shall be followed by a written order within a reasonable period of time.

15.04 PLUMBING PERMITS.

(1) REQUIRED. No work contemplated by this chapter shall be started until a permit therefore has been obtained from the Plumbing Inspector.

(2) APPLICATION. The Application shall be in writing upon forms provided by the Plumbing Inspector and shall include the name of the owner and the description of the property on which the work is to be done, and all plumbing to be installed, along with such pertinent information as the Plumbing Inspector may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this chapter.

(3) ISSUANCE; TERM. When the Plumbing Inspector is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this chapter, and after the appropriate fees have been paid to him, he shall issue the permit. Such permit shall be good for the continuous performance of the work named thereon. A permit shall automatically expire if work has not been commenced within 90 days of the date of issuance or when work ceases for a period of 90 days without good and reasonable cause for same and shall automatically expire on completion of the work for which it was issued; provided the Plumbing Inspector may, upon notice, suspend or revoke such permit for violation of the provisions of this chapter.

(4) RESTRICTIONS ON ISSUANCE.

(a) No plumbing permit shall be issued to any person who is in violation of this chapter until such violation has been corrected.

(b) No plumbing permit shall be issued to any person against whom an order issued by the Plumbing Inspector is pending.

(5) FAILURE TO ISSUE; SUSPENSION AND REVOCATION. Any person who is aggrieved by the decision of the Plumbing Inspector to refuse to issue a permit or to suspend or revoke such permit may, within 20 days thereafter, appeal from such order or ruling to the Board of Zoning Appeals.

(6) FEES. See the City's Official Fee Schedule. All permit fees shall be doubled if plumbing work commences before the required permits are obtained and the proper fees paid. The fees shall be doubled for each violation.

15.05 PLUMBERS TO BE LICENSED. All plumbing work in the City shall be done only by plumbers licensed by the State for such work, or their employees.

15.06 INSPECTION OF WORK. The plumber in charge shall notify the Plumbing Inspector whenever any work is ready for inspection, e.g., soil, vent, underground drain, final inspection. All plumbing work shall be left exposed until such time as the Inspector has completed his examination and inspection. When, in the opinion of the Inspector, a test in addition to that provided in the State Plumbing Code is necessary, he may require a water or air test in any part of or the entire installation.

15.07 CONNECTIONS TO SANITARY SEWER AND WATER SYSTEMS REQUIRED. All plumbing, as defined in this chapter, within the City shall connect properly with the sanitary sewer and water mains of the City, where such mains are available in a street, alley or public way adjoining the lot or lots upon which such plumbing exists. All septic tanks shall be removed or emptied and filled with earth.

15.08 WATER LATERAL AND SERVICE REQUIREMENTS.

(1) WATER CONNECTIONS.
(a) Lateral. The City Water Department shall construct the water lateral and locate the curb box at an approximate depth of 6 feet below street grade.

(b) Gooseneck Required. A large looped gooseneck shall be installed in the copper pipe adjacent to the corporation cock in such a manner as to allow for any settlement of the earth without breaking the copper water service.

(c) Approval of Valves. No corporation cock, curb stop box or meter shall be used unless it has been approved by the Utility Superintendent. These materials may be purchased from the Water Department at cost together with an amount equal to a percentage of the cost to cover handling and inventory, said percentage to be determined by the Public Safety Committee. (1762 08/09/94, 2033 11/14/2000)

(d) Meter Spreads. A meter spread or copper horn of the same size as the meter to be installed shall be placed on the water service pipe within one foot of the inside of the front wall of the building unless permission is granted by the Utility Superintendent to install it elsewhere. Meters shall be provided with 2 shutoff valves, one on the supply line and one on the house side of the meter spread. The size of the meter shall be prescribed by the Utility Superintendent. (2033 11/14/2000)

(e) Location of Laterals. Copper water service one inch or less in size may be laid in the same ditch with a sewer lateral. Copper water service laterals larger than one inch shall be laid at a distance of not less than 4 feet from any sewer lateral.

(f) Discontinuance of Water Lateral. In any case where an iron water lateral is to be renewed or its use discontinued for any reason, the old pipe shall be cut off at the main, regardless of whether or not it is to be replaced in another location. If the iron lateral is connected to a corporation cock, this may be shut off; otherwise, the iron lateral shall be removed and the main capped.

(2) WATER SERVICE.

(a) Turning on Water Service. No plumber shall, unless permission is first obtained from the Water Department or the Plumbing Inspector, turn on, or leave turned on any water service curb stop after completion of his or her work, which for any reason has been turned off by the City Water Department. (1763 08/09/94).

(b) Water Supply Piping. Where practical, the building supply pipe shall be laid at right angles to curb lines so that its location may be readily determined. All private and public water mains and pipes located or laid within or beneath an area subject to an easement or right-of-way of a highway, street or alley or to a public service or utility right-of-way or easement shall meet the following specifications:

1. All pipes or mains of a diameter of two inches or less in size shall be of approved copper.
2. All pipes or mains of a greater diameter than two inches shall be of approved iron pipe.
3. All water supply piping from a curb stop and in connection with the plumbing system shall be done by a licensed plumber. Under no circumstances, will the Water Department be responsible for thawing a customer's lateral if the customer's portion of the lateral is not electrically conductive. (1764 08/09/94, 1865 04/16/96)

(3) LATERAL PAYMENT REQUIRED. No taps shall be made by the Water Department until the lateral has been paid for in cash and an order is obtained from the Water Department that such payment has been made.

(4) FINAL INSPECTION. When plumbing work has been completed within a building, it shall be mandatory that the Plumbing Inspector be notified so that final inspection can be made. (1765 08/09/94)

15.09 CLEAR WATERS.

(1) DISCHARGE. No person shall cause, allow or permit any roof drain, surface drain, sub-soil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump, or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.

(2) NUISANCE. The discharge into a sanitary sewer from any roof drain, surface drain, sub-soil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the City and to the protection of property.
(3) GROUND WATER. Where deemed necessary by the Plumbing Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well, or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

(4) STORM WATER DISCHARGE. All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either into a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

(5) STORM SEWER LATERAL. Where municipal storm sewers are provided and it is deemed necessary by the City to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.

(6) DISCHARGE OF WATER DURING WINTER MONTHS. No person shall discharge any storm water or clear water between November 30 and March 31 of each year unless connected by underground laterals. During such periods, and where no storm sewer is available, such water shall be allowed to discharge onto the owner's lawn or into any underground conduit leading to a drainage ditch, gutter or dry well, but no such discharge shall be allowed or permitted to flow on or across any public street, sidewalk or right of way.

(7) CONDUCTING TESTS. If the Utility Superintendent or his designated agent suspects an illegal clear water discharge, as defined by this code or by any other applicable provision of the Wisconsin Administrative Code as it may from time to time be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists. (2033 11/14/2000)

15.10 GREASE SEPARATORS. Grease catch basins or separators of a capacity based upon the temperature and the amount of the water tributary shall be installed wherever kitchen or other greasy wastes from hotels, restaurants, clubhouses, boarding houses, public or private institutions, hospitals or similar places are discharged into a public sewer or private sewage disposal system. Garbage disposal units shall not be tributary to grease catch basins or interceptors.

15.11 STREET EXCAVATIONS. See §8.03 of this Code.

15.12 PENALTY. Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided in §25.04 of this Code.
CHAPTER 16

ELECTRICAL CODE

16.01 State Code Adopted
16.02 Definitions
16.03 Electrical Inspector
16.04 Electrician Licensing
16.05 Electrical Permits
16.06 Special Provisions for Temporary Installation
16.07 Notice of Noncompliance; Appeal
16.08 Disclaimer on Inspections
16.09 Penalty

16.01 STATE CODE ADOPTED.

(1) Department of Commerce Ch. 24 is hereby adopted by reference and made a part of this chapter and shall apply to the construction and inspection of new 1- and 2-family dwellings and additions or modifications to existing 1- and 2-family dwellings.

(2) Subject to the exceptions set forth in this chapter, Comm. 16, Volume I, and Rules of Electrical Code, Vol. 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this chapter and shall apply to all buildings, except those covered in sub. (1) above.

(3) Any further amendments, revisions and modifications of said code and rules incorporated therein are intended to be made a part of this chapter.

16.02 DEFINITIONS. In the interpretation and enforcement of this chapter, the following definitions shall apply:

(1) ELECTRICAL SYSTEM. All wires, equipment or devices installed for the purpose of conducting or safeguarding electrical current at all voltages.

(2) ELECTRICAL WORK. Any act in connection with the installing, altering or maintaining of electrical systems, which act ordinarily requires the use of tools.

(3) WIRING. All conductors and all other devices incidental to the safe conduction of electrical current.

16.03 ELECTRICAL INSPECTOR.

(1) APPOINTMENT. See §1.03(9) of this Code.

(2) QUALIFICATIONS. The Electrical Inspector shall be versed in approved methods of electrical construction for the safety of life and property, the State Statutes relating to electrical work, the rules and regulations of the State Department of Commerce and the National Electric Safety Code of the United States Bureau of Standards and shall be certified by the State of Wisconsin.

(3) DUTIES.

(a) Records and Reports. The Electrical Inspector shall keep a complete record of all applications made and permits issued, regularly numbered in the order of their issuance. He shall also keep a record of all inspections made and other official work performed under the provisions of this chapter, so arranged as to afford prompt information concerning electrical installations and shall make reports thereon to the Council as it may require.

(b) Inspections; Notices. The Electrical Inspector shall inspect all buildings and premises and make a thorough examination of all the electrical wiring, equipment and devices installed and when such are found to be in a dangerous or unsafe condition, he shall notify the person owning, using, operating or installing the same to place
them in a safe condition. Such necessary repairs or changes shall be completed according to the provisions of this chapter. The Electrical Inspector may order the discontinuance of electrical service to such defective electrical system until it has been repaired, removed or altered as directed by the Inspector. Failure to obey any such order shall subject such person to the penalties herein provided.

(3) AUTHORITY TO TURN OFF CURRENT. The Electrical Inspector may cause the immediate turning off of all electrical current to any equipment which he finds, in the exercise of his sound judgment, creates imminent danger to persons or property and to cut or discontinue electrical service in emergencies where he finds, in the exercise of his sound judgment, such electrical current creates imminent danger to persons or property or where such currents may interfere with the work of the Fire Department. No person shall reconnect any equipment thus cut off without the written permission of the Electrical Inspector.

(4) RIGHT OF ENTRY. The Electrical Inspector may enter any building or premises in the discharge of his official duties and for that purpose shall be given prompt access upon notification to the proper authority. He may discontinue electrical service to premises to which he is denied access or entry.

16.04 ELECTRICIAN LICENSING. (1462 01/27/87, 1828 08/22/95, 2417 08/12/14)

(1) ADOPTION OF STATE CODES. Except as otherwise specifically provided in this section, the provisions of §101.80 to 101.88, Wis. Stats. and Comm. Ch. 16 and 17 of the Wis. Adm. Code regulating the installation and use of electricity and establishing rules for electrical inspections and for certification of electricians and electrical contractors are adopted by reference and made a part of this section as if fully set forth herein. A violation of any such provision shall constitute a violation of this section. Any act required to be performed or prohibited by any statute or Adm. Code incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions, renumbering or modifications of the statutes or codes incorporated herein are intended to be a part of this section in order to secure uniform statewide regulation of electrical requirements in the State of Wisconsin.

16.05 ELECTRICAL PERMITS.

(1) PERMITS REQUIRED; APPLICATION. The Electrical Inspector shall issue permits for the execution of electrical installation for light, heat or power upon the filing of a proper application, which shall be made on blanks furnished by the Electrical Inspector and shall prescribe the nature of the work contemplated and such other pertinent information as may be required for inspection. No work shall be done until a permit has been obtained.

(2) ISSUANCE; TERM. When the Electrical Inspector is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this chapter, and after the appropriate fees have been paid to him, he shall issue the permit. Such permit shall be good for the continuous performance of the work named thereon. A permit shall automatically expire if work has not been commenced within 90 days of the date of issuance or when work ceases for a period of 90 days without good and reasonable cause for same and shall automatically expire on completion of the work for which it was issued; provided the Electrical Inspector may, upon notice, suspend or revoke such permit for violation of the provisions of this chapter.

(3) FEES. See the City’s Official Fee Schedule. All permit fees shall be doubled if electrical work commences before the required permits are obtained and the proper fees paid. The fees shall be doubled for each violation.

(4) PERMITS FOR TEMPORARY WORK. On applying for a permit for temporary work, the period of time for which such wiring is to remain in service shall be specified. Service shall be cut off at the end of this period and shall not again be connected without written permission from the Electrical Inspector.

(5) INSPECTION OF WORK. The permittee or an authorized representative shall, in writing or orally, request inspections by the Electrical Inspector at appropriate times required for the enforcement of this code. The Electrical Inspector shall perform the requested inspection within 48 hours after notification,
except the final inspection. Construction may not proceed beyond the point of inspection until the inspection has been completed, except if inspection has not taken place within 48 hours of notification, excluding Saturdays, Sundays and holidays, unless otherwise agreed upon between the permittee and the Electrical Inspector. No building where electrical service has been cut off due to fire shall be reconnected until authorized by the Electrical Inspector. If the Electrical Inspector shall determine that the work has not been done in accordance with the provisions of this chapter, the contractor shall correct the same within 10 days after receiving notice thereof. If the defective work has not been corrected within 10 days, the Electrical Inspector shall cancel the permit until the provisions of this chapter have been complied with.

(6) ISSUANCE OF SUBSEQUENT PERMITS. No permit shall be issued if there are any outstanding corrections to be made. No permit shall be issued if previous permits are not complete as to work done and the fees paid on any work that has been reported as complete.

16.06 SPECIAL PROVISIONS FOR TEMPORARY INSTALLATION. The Electrical Inspector may grant special permission, for a limited time, for the installation or use of temporary electric wiring and equipment that does not conform with the regulations of this chapter. The person installing such wiring or equipment shall be directly and legally responsible and accountable for the safe condition of the installation at all times and its complete removal at the end of the fixed temporary period, as set by the Electrical Inspector, or any time sooner when ordered by the Inspector. Carnivals, circuses, theatrical acts and exhibitions and all places of temporary outdoor assembly are included in the provisions of this section and all electrical wiring and equipment associated therewith shall be installed, maintained and operated in a safe and workmanlike manner. All such electric wiring and equipment shall be isolated from the public by proper elevation and guarding of all electrical fuses, and switches shall be installed in approved enclosures. Cable laid on the ground in areas traversed by the public shall be buried in trenches or protected by approved covers. No wooden raceways shall be used. All temporary services shall be rainproof in their entirety. Where an enclosure is built around non-waterproof equipment, it shall have a hinged cover and be supplied with a hasp and lock.

16.07 NOTICE OF NONCOMPLIANCE; APPEAL. Whenever the Electrical Inspector determines that all or part of the electrical work of any building does not comply with the provisions of this chapter, he shall, in cases where the construction is in progress, give 5 days' written notice thereof to the contractor on the job. In all other cases he shall give 5 days' notice thereof to the owner or his authorized agent or attorney. Such contractor or owner may have such determination reviewed by the Board of Zoning Appeals.

16.08 DISCLAIMER ON INSPECTIONS. The purpose of the inspections under this code is to improve the quality of housing in the City. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained therein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and non-structural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied.

16.09 PENALTY. Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided in §25.04 of this Code.
## City of Baraboo Zoning District Chart

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Lot Width (ft.)</th>
<th>Principal Building Yard Minimum Setback</th>
<th>Accessory Building Yard Setback</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Height</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Street</td>
<td>Side</td>
<td>Rear</td>
<td>Side</td>
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<tr>
<td>R-1</td>
<td>Single Family</td>
<td>12,500</td>
<td>100</td>
<td>35</td>
<td>10</td>
<td>25</td>
<td>10</td>
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<tr>
<td>R-1A</td>
<td>Single Family (Traditional)</td>
<td>8,500</td>
<td>75</td>
<td>25*</td>
<td>8*</td>
<td>25</td>
<td>3</td>
</tr>
<tr>
<td>R-2</td>
<td>One and Two Family</td>
<td>8,500</td>
<td>75</td>
<td>25*</td>
<td>10*</td>
<td>25</td>
<td>3</td>
</tr>
<tr>
<td>R-3</td>
<td>Three and Four Family</td>
<td>3,500/unit</td>
<td>90</td>
<td>25</td>
<td>10</td>
<td>25</td>
<td>3</td>
</tr>
<tr>
<td>R-4</td>
<td>One and Two Family</td>
<td>8,500</td>
<td>75</td>
<td>30</td>
<td>20*</td>
<td>25*</td>
<td>3</td>
</tr>
<tr>
<td>R-5</td>
<td>Thirteen Families and above</td>
<td>2,500/unit*</td>
<td>200</td>
<td>20</td>
<td>20*</td>
<td>25*</td>
<td>3</td>
</tr>
<tr>
<td>MH-P</td>
<td>Type 1 Manufactured Home Park District</td>
<td>5,000</td>
<td>50</td>
<td>25*</td>
<td>10*</td>
<td>25*</td>
<td>5</td>
</tr>
<tr>
<td>MH-S</td>
<td>Type 1 Manufactured Home Single Family Residential District</td>
<td>8,000</td>
<td>75</td>
<td>25</td>
<td>8*</td>
<td>25</td>
<td>6</td>
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<tr>
<td>B-1</td>
<td>Central Downtown Business Dist.</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>B-2</td>
<td>Central Neighborhood Business Dist.</td>
<td>None</td>
<td>None</td>
<td>25</td>
<td>20*</td>
<td>25*</td>
<td>3</td>
</tr>
<tr>
<td>B-3</td>
<td>Highway Oriented Business Dist.</td>
<td>None</td>
<td>None</td>
<td>25*</td>
<td>10*</td>
<td>25*</td>
<td>10*</td>
</tr>
<tr>
<td>I-1</td>
<td>Industrial – Enclosed Storage</td>
<td>7,500</td>
<td>None</td>
<td>25</td>
<td>10*</td>
<td>10*</td>
<td>None</td>
</tr>
<tr>
<td>I-2</td>
<td>Industrial – Open Storage</td>
<td>7,500</td>
<td>None</td>
<td>25</td>
<td>10*</td>
<td>10*</td>
<td>None</td>
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<tr>
<td>I-3</td>
<td>Industrial/Business</td>
<td>1 acre</td>
<td>None</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>None</td>
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<tr>
<td>I-4</td>
<td>Planned Industrial Business</td>
<td>1 acre – Ind. 27,000 – Coml.</td>
<td>None</td>
<td>30 Ind. 35-Coml</td>
<td>20</td>
<td>25</td>
<td>None</td>
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<td>A-1</td>
<td>Agricultural Transitional</td>
<td>3 acres</td>
<td>None</td>
<td>150</td>
<td>8*</td>
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<td>A-2</td>
<td>Agricultural Holding</td>
<td>5 acres</td>
<td>None</td>
<td>150</td>
<td>8*</td>
<td>25</td>
<td>*</td>
</tr>
<tr>
<td>C-1</td>
<td>Conservancy</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

* There are exceptions to these figures; please refer to the Zoning Ordinance document.
PART I: GENERAL ZONING

17.01 History
17.02 Authority
17.03 Short Title
17.04 Purpose
17.05 Intent
17.06 Abrogation and Greater Restrictions
17.07 Interpretation
17.08 Definitions
17.09 Jurisdiction
17.10 Compliance
17.11 Zoning Changes
17.12 Site Restrictions
17.13 Use Restrictions
17.14 Reduction or Joint Use
17.15 Existing Non-Conforming Uses of Structures, Land & Water & Standard Lots
17.16 Zone Regulations
17.17 General Provisions
17.18 Establishment of Districts and Incorporation of Zoning District Map
17.19 Community Living Arrangements, Family Day-Care Homes
17.20 R-1 Single Family Residential District
17.20A R-1A Single Family Residential District
17.21 R-2 One and Two Family Residential District
17.22 R-3 One Through Four-Family Residential District
17.23 R-4 Four through 12 Family Residential District
17.24 R-5 Thirteen Family and Up Residential District
17.24A NRO, Neighborhood Residential/Office District
17.25 MH Manufactured-Home (TYPE I) Park District
17.26 MH Manufactured Home (TYPE I) Single Family Residential District
17.27 B-1 Central Business District
17.28 B-2 Central Neighborhood District
17.29 B-3 Highway Oriented Business District
17.30 I-1 Industrial District, Enclosed Storage
17.31 I-2 Industrial District, Open Storage
17.32 I-3 Industrial/Business District
17.32A I-4 Planned Industrial/Business District
17.33 A-1 Agricultural Transitional District
17.34 A-2 Agricultural Holding District
17.35 C-1 Conservancy District
17.36 HIA Highway-Interchange Area District (Overlay District)
17.36A Special Zoning Exceptions
17.36B Planned Unit Developments
17.36C Conditional Use Overlay District
17.37 Conditional Uses
17.38 Satellite Dishes
17.38A Wind Energy System Ordinance
17.39 Vision Clearance
17.40 Loading Requirements
17.41 Off-Street Parking Requirements
17.42 Reserved
17.43 Performance Standards
17.44 Board of Zoning Appeals
17.45 Certificate of Occupancy
17.46 Annexation
17.47 Site Plan Review and Approval
17.48 Solar Access Permits
17.49 Fees for Zoning-Related Petitions
17.50 Collection and Use of Park Fees
17.51 Requirements for Certain Multi-Family Real Estate Developments
17.52 Fire Lane and Fire Hydrants
17.53 Historic Preservation
SUBCHAPTER II: FLOODPLAIN ZONING ORDINANCE

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS
   1.1 Statutory Authorization
   1.2 Finding of Fact
   1.3 Statement of Purpose
   1.4 Title
   1.5 General Provisions
      (1) Areas to be Regulated
      (2) Official Maps and Revisions
      (3) Establishment of Districts
      (4) Locating Floodplain Boundaries
      (5) Removal of Lands from Floodplain
      (6) Compliance
      (7) Municipalities and State Agencies Regulated
      (8) Abrogation and Greater Restrictions
      (9) Interpretation
      (10) Warning and Disclaimer of Liability
      (11) Severability
      (12) Annexed Areas for Cities/Villages

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN
   2.1 Hydraulic and Hydrologic Analyses
   2.2 Watercourse Alterations
   2.3 Chapter 30, 31, Wis. Stats., Development
   2.4 Public or Private Campgrounds

3.0 FLOODWAY DISTRICT (FW)
   3.1 Applicability
   3.2 Permitted Uses
   3.3 Standards for Development
   3.4 Prohibited Uses

4.0 FLOODFRINGE DISTRICT (FF)
   4.1 Applicability
   4.2 Permitted Uses
   4.3 Standards for Development

5.0 GENERAL FLOODPLAIN DISTRICT (GFP)
   5.1 Applicability
   5.2 Permitted Uses
   5.3 Standards for Development
   5.4 Determining Floodway/Floodfringe Limits

6.0 NONCONFORMING USES
   6.1 General
   6.2 Floodway Districts
   6.3 Floodfringe Districts

7.0 ADMINISTRATION
   7.1 Zoning Administrator
   7.2 Zoning Agency
   7.3 Board of Adjustment/Appeals
   7.4 To Review Appeals of Permit Denials
   7.5 Floodproofing
   7.6 Public Information

8.0 AMENDMENTS
   8.1 General
   8.2 Procedures

9.0 ENFORCEMENT AND PENALTIES

10.0 DEFINITIONS
SUBCHAPTER III: SIGN CODE
17.80 Regulation of Signs
(1) Purpose of Subchapter
(2) Administration of Subchapter
(3) Sign Permit Requirements
(4) Indemnification for Sign Installation and Maintenance
(5) Liability and Disclaimer
(6) General Physical Requirements
(7) Construction Specifications
(8) Installation and Maintenance
(9) Abandoned Signs
(10) Prohibited Signs
(11) Signs Not Requiring a Permit
(12) Regulation of Temporary Signs
(13) Types of Signs
(14) Zoning District Requirements
(15) Legal Non-conforming Signs
(16) Violations and Penalties
(17) Appeals
(18) Severability and Conflict
(19) Definitions

SUBCHAPTER IV: LANDSCAPING CODE
17.81 Landscaping and Bufferyard Regulations
(1) Purpose
(2) How to Use This Subchapter
(3) Landscaping Points, Sample Landscaping Schemes, and Measurement For Landscaping Requirements
(4) Landscaping Requirements for Building Foundations
(5) Landscaping Requirements for Developed Lots
(6) Landscaping Requirements for Street Frontages
(7) Landscaping Requirements for Paved Areas
(8) Landscaping Requirements for Other Permanently Protected Green Spaces
(9) Landscaping Requirements for Required Reforestation
(10) Landscaping Requirements for Bufferyards
(11) Classification of Plant Species
(12) Requirements for the Installation, Maintenance, and Use of Landscaped and Bufferyard Area
(13) Calculating Landscaping and Bufferyard Requirements
(14) Depiction on Required Site Plan
(15) Appeals
(16) Variances
(17) Enforcement and Penalty

SUBCHAPTER V: PARK FACILITIES
17.82 Park Facilities Impact Fee Regulation
(1) Purpose and Intent
(2) Definition
(3) Public Facilities Needs Assessment for Park Improvements
(4) Payment of Park Facilities Impact Fee Required
(5) Park Facilities Impact Fee for Type I Manufactured Home Parks or Low Cost Housing
(6) Disposition of Revenues; Expenditures
(7) Refunds
(8) Other Means of Financing Park Improvements Reserved
(9) Periodic View and Modification
(10) Impact Fee as Additional and Supplemental Requirement
(11) Appeals
(12) Severability

SUBCHAPTER VI: DEDICATION AND RESERVATION OF LAND AND PAYMENT OF FEE IN LIEU OF LAND DEDICATION FOR RESIDENTIAL DEVELOPMENTS
17.83 Dedication and Reservation of Land and Payment of Fee in Lieu of Land Dedication for Residential Developments
SUBCHAPTER I: ZONING CODE

17.01 HISTORY. Zoning in the City of Baraboo was piecemeal for some time. The first major step was taken June 15, 1945, when Ordinance #696 restricted the construction of commercial buildings in residential areas and listed the general business area of the City.

On October 9, 1947, the Plan Commission was created by Ordinance #721.

At that time, an overall zoning ordinance was being planned for the City. On February 26, 1948, an interim zoning ordinance, Ordinance #725, was passed by the Council to control use in the City until such time as the planning was completed. On August 27, 1953, the final zoning ordinance, Ordinance #771, was passed. On June 13, 1961, the City adopted its first zoning district map by Ordinance No. 869.

In September 1965, the City retained the planning consultant firm of Candeub, Fleissig, & Associates to assist and guide in the preparation of a Master Comprehensive Zoning Plan. On April 8, 1969, the City adopted its first Master Plan. In 1970, the City made substantial amendments to the zoning code pursuant to the recommendations made in the Master Plan. The amended Zoning Code included a subdivision control ordinance that became effective on December 1, 1970.

In 1968, the City further adopted floodplain maps and a Floodplain Zoning Ordinance based upon a model prepared by the Department of Natural Resources. In June 1977, and again in June 1979, the flood-plain ordinances were amended in order to comply with requirements of the Department of Natural Resources and with HUD flood insurance requirements. In May 1991, the City repealed and recreated a new Floodplain and Shoreland-Wetland Zoning Code for the City pursuant to Ordinance No.1605. The ordinances were based upon a model code provided to the City by the Wisconsin Department of Natural Resources. Also, in May of 1991, the City adopted new Floodplain maps pursuant to the requirements of the Department of Natural Resources.

The first Comprehensive Master Plan and the Zoning Code adopted pursuant to this Plan adequately served the City until the latter part of the 1980's. During the 1980's, the Zoning Code and Master Plan gradually became outdated due to the City's continued growth. In July of 1990, the Baraboo Plan Commission concluded that an updated Master Plan and a revised Zoning Code were needed in order to maintain control over the City's growth and development.

The City retained the services of Mid-State Associates, Inc. of Baraboo to assist and guide in the development of an updated Master Plan and Zoning Code. Between January of 1991 and May of 1992, the City Plan Commission worked closely with Mid-State Associates, Inc. to develop the new plan. Numerous public hearings were held by the Plan Commission during this time and on May 26, 1992, the Plan Commission approved the revised Comprehensive Master Plan for the City. On June 9, 1992, the City Council adopted Resolution No. 92-148 approving and adopting the Master Plan recommended by the Plan Commission.

On September 14, 1992, the Council repealed and recreated §17.08 and §17.21 through 17.28 of the 1992 Zoning Code, thereby revising all of the zoning definitions and establishing new residential districts, business districts, industrial districts and agricultural districts. On February 23, 1993, the City adopted a new Zoning District Map, thereby making all zoning districts within the City consistent with the new districts established in the revised zoning code.

In March 1995 a working group consisting of the City Engineer, City Attorney, Zoning Administrator, City Administrator, and consultants from Mid–State Associates, Inc. recommended that additional Code revisions be made to update and clarify the Code. The revisions resulting from this work were presented to the Plan Commission, and the Plan Commission recommended to the City Council that a revised City Zoning Code be adopted. A public hearing on the revised City Zoning Code was held before the City Council on July 23, 1996, and on August 13, 1996, the City Council adopted the revised Zoning Code by Ordinance No. 1879.

17.02 AUTHORITY. These regulations are adopted under the authority granted by §62.23 (7), Wisconsin Statutes.

17.03 SHORT TITLE. This chapter shall be known as, referred to, or cited as, the “Zoning Code(s).” “The Codes” or “City Code(s)” refers to all of the following: Zoning Code, Shoreland/Wetland Zoning Code, Subdivision and Platting Code, Building Codes, other City Codes and the Master Plan.

17.04 PURPOSE. The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics, history, and general welfare of the City.

17.05 INTENT. It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all
structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; provide adequate light, air, sanitation and drainage; prevent overcrowding, avoid undue population concentration, facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the City; preserve and promote the history of the City; and provide for the administration and enforcement of this chapter and provide penalties for its violation. The intent of this ordinance is also:

(1) To protect the character and the social and economic stability of all parts of the City and to encourage orderly and beneficial development of the City;

(2) To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;

(3) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities;

(4) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings;

(5) To prevent the pollution of air, streams and ponds;

(6) To ensure the adequacy of drainage facilities;

(7) To safeguard the water table, and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability and beauty of the City and the value of the land;

(8) To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.

17.06 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, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

17.07 INTERPRETATION. The provisions of this chapter shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

17.08 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have at common law. (1652 09/14/92, 2446 08/23/2016)

(1) ABUT. To have a common property line; to be adjacent to.

(2) ACCESSORY BUILDING. A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. When an accessory building is a part of the main building, or is substantially attached thereto, the front yard, height, side-yard and rear-yard requirements of the main building shall be applied to the accessory building. Accessory buildings shall be subject to their respective setback requirement.

(3) ACCESSORY USE. A use of land or a portion of a building customarily incidental to the actual principal use of the land or building and located on the same parcel or property with such principal use.

(4) ALLEY. A special public right-of-way affording only secondary access to abutting properties said right-of-way being less than twenty-one (21) feet wide.

(5) APARTMENT. A residential building or portion thereof, containing dwelling units used for occupancy by three or more families living independently of each other and containing three or more residential dwelling units.

(6) APARTMENT HOUSE. See MULTI-FAMILY DWELLING.

(7) BASEMENT. The portion of a dwelling below the first floor or ground floor with its entire floor below grade.

(8) BED-AND-BREAKFAST ESTABLISHMENT. “Bed-and-Breakfast Establishment” means any place of lodging that:

(a) Provides four or fewer rooms for rent to no more than a total of 20 tourists or transients; and

(b) Provides no meals other than breakfast and provides the breakfast only to renters of the place; and

(c) Is the owner’s personal residence; and
(d) Is occupied by the owner at the time of rental; and

(e) Was originally built and occupied as a single family residence or, prior to use as a place of lodging, was converted to use and occupied as a single family residence; and

(f) Has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that a structural addition, including a renovation, to the structure may, after May 11, 1990, be made within the dimensions of the original structure.

(g) All drives and parking areas shall be hard surfaced and there shall be one off-street parking stall for each guest room and all parking stalls shall be located on the premises or on the adjoining premises. All off-street parking areas and drives shall be maintained so as to be accessible at all times and shall be cleared of snow within 24 hours after snow has accumulated.

(h) Is licensed as a Bed and Breakfast Establishment by the Wisconsin Department of Health and Social Services.

(9) BUILDING. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by un-pierced walls extending from the ground up, each part shall be deemed a separate building.

(10) BUILDING AREA. The total living area bounded by the exterior walls of a building at the floor levels, but not including basements, utility rooms, garages, porches, breezeways and unfinished attics.

(11) BUILDING HEIGHT. The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure or from the curb level in the front of lot, whichever is higher, to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel hip and pitch roofs; or to the deck line of the mansard roofs.

(12) CAMPGROUND. A parcel or tract of land, maintained, intended or used for the purpose of supplying temporary or overnight living accommodations by providing designated areas for the placement of trailers, tents, busses, automobiles or sleeping bags, and may include buildings to provide services to the patrons such as restrooms, bathing, laundry and commissary facilities. A campground shall be licensed as a campground by the Wisconsin Department of Health and Social Services and shall be subject to the provisions of the Wisconsin Administrative Code. Occupancy of a camping unit on a continuous, year round basis or utilization of a camping unit as a permanent abode or legal place of residence is prohibited.

(13) CARPORT. A structure having a roof, with or without supporting walls, posts or columns; used, designated or intended to be used for the protection or shelter of up to three (3) private motor vehicles. For the purpose of this ordinance, a carport shall be considered to be the equivalent of a garage.

(14) CENTERLINE. A line equidistant from the edge of the median separating the main traveled ways of an existing or planned divided road or highway, or the centerline of the main traveled way of an undivided road or highway.

(15) CLINIC. Health care clinics operating for the primary purpose of providing out-patient treatment for human ills by one or more health care providers and including related facilities such as laboratories and other service facilities.

(16) CLOTHING STORES. Retail stores where clothing is sold, such as dry goods and shoe stores, and dress, hosiery, and millinery shops.

(17) CLUSTER DEVELOPMENT. A residential real estate development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

(18) COMMUNITY. The City of Baraboo, Wisconsin.

(19) COMMUNITY LIVING ARRANGEMENT. A homeless or safe haven shelter providing short-term residential assistance to a defined service population; any of the following facilities licensed or operated, or permitted under the authority of the State of Wisconsin Department of Health and Family Services: child welfare agencies under §48.60, Wisconsin Statutes, group homes for children under §48.02(7), Wisconsin Statutes, and community based residential facilities under §50.01, Wisconsin Statutes; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons, jails or juvenile secured or unsecured detention centers. (2294 11/25/2008)

(20) CONDITIONAL USE. A use of a special nature which makes impracticable its predetermination as a permitted approval by the Plan Commission in accordance with this subchapter.

(21) CONDOMINIUM. See §703.02(4), Wisconsin Statutes.

(22) CONDOMINIUM DEVELOPMENT. A residential real estate development subject to a condominium declaration pursuant to Chapter 703, Wisconsin Statutes.

(23) CONVENIENCE STORE. A commercial place of business engaged in the sale of food, beverages and miscellaneous products designed
to be consumed off the premises. The business may also sell motor fuel and goods generally associated with the operation and maintenance of a motor vehicle.

(24) CORNER LOT. See LOT, CORNER.

(25) DAY CARE CENTER. Any facility or home licensed as a day care center by the State of Wisconsin Department of Health and Social Services under §48.65 Wis. Stats. where care is provided for compensation.

(26) DENSITY PER GROSS AREA. The quotient of the total number of dwelling units divided by the gross site area.

(27) DEPARTMENT STORE. A retail store where items, including clothing, housewares, automotive products, hardware, garden supplies, food, craft supplies, jewelry, domestic equipment and appliances may be sold.

(28) DEVELOPMENT. Any new use, change of use, and any change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; any placement of TYPE 1 Manufactured Homes; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavating or drilling operations; the deposition or extraction of earthen materials; and the installation of public or private sewage disposal systems or water supply facilities.

(29) DORMITORY. A residential building primarily used by students for sleeping purposes that is contiguous to a school, college or other institution.

(30) DRAINAGE WAY. Any natural or artificial water course, including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, streams, waterways, gullies, ravines or washes in which waters flow in a definite direction and/or force; either continuously or intermittently. It also includes any area adjacent thereto, which is subject to inundation by reason of overflow or floodwater.

(31) DWELLING. A detached residential building designed and constructed for human occupancy that satisfies the following minimum requirements: (1733 05/17/94, 2446 08/23/16)

(a) Has a minimum of 864 square feet of habitable floor area.

(b) Has a minimum width along any exterior side elevation of 24 feet for the principal building and a minimum internal height of 7.5 feet or more than 50 percent (50%) of the living area.

(c) Is firmly fastened to a solid foundation constructed on the site in compliance with Ch. 14 of this Code and the current DSPS One to Two Family Uniform Dwelling Code with the exterior covering material extending to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.

(d) Is connected to the City sewer and waterworks systems.

(e) Is not housing classified as TYPE 1 Manufactured Homes located in a TYPE 1 Manufactured Home Park.

(32) DWELLING, SINGLE FAMILY. A detached residential building designed for or occupied by only one (1) family.

(33) DWELLING, TWO-FAMILY (CONVENTIONAL DUPLEX). A single family dwelling which is attached on one side to another single family dwelling. The two residences are located on the same lot. (2250 04/10/07, 2446 08/23/16)

(33A) DWELLING, TWO-FLAT. A two story single family residence, which is in complete compliance with the State of Wisconsin Uniform Dwelling Code (UDC), which has been converted into a two-family residence. The two residences are both located on the same lot. (2250 04/10/07, 2446 08/23/16)

(34) DWELLING, MULTIPLE-FAMILY. A residential building containing three or more dwelling units (See DWELLING UNIT).

(35) DWELLING, ROW HOUSE OR TOWN HOUSE. One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls un-pierced from basement floor to roof.

(36) DWELLING UNIT. A structure or part of a structure which is used, or intended to be used, as a home, residence or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.

(37) EATING ESTABLISHMENTS - TYPE 1. Licensed eating establishments that do not, and will not have, a liquor license, drive-thru service, pick-up service, and will operate no longer than fifteen (15) hours a day.

(38) EATING ESTABLISHMENTS - TYPE 2. Licensed eating establishments that may include liquor licenses, drive-thru service, pick-up service, and may operate twenty-four (24) hours a day.

(39) EMERGENCY SHELTER. Public or private enclosures designed to protect people from
aerial, radiological, biological or chemical warfare or fire, flood, windstorm, riots and invasions.

(40) ESSENTIAL SERVICES. Services provided by public and quasi-public utilities necessary for the exercise of the principal use or service to the principal structure. These services include: underground, surface or over-head gas, electrical, steam, water, sanitary sewerage, storm water drainage, communication systems, and accessories thereto, such as poles, towers, wires, mains, drains, wells, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire stations, police stations, EMS stations, traffic signals, pumps, lift stations and hydrants, but not including outside storage areas.

(41) EQUALIZED VALUE. The assessed value of a structure divided by the ratio of the assessed value to the recommended value, as last published by the Department of Revenue for the City of Baraboo.

(42) FAMILY. Any number of persons related by blood, adoption, marriage, or not more than three (3) un-related persons, living together in one (1) dwelling as a single housekeeping entity.

(43) FENCE. Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

(44) FLOOR AREA. The sum of the total horizontal areas of the floors of the principal building on a lot, excluding the garage exterior measured from the exterior faces of exterior walls. The term floor area shall include: basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural head-room of six feet-six inches (6'6") or more; penthouses; attic space, whether or not a floor has been laid, providing structural headroom of six feet-six inches (6'6") or more; interior balconies; all season porches; and mezzanines.

(45) FRONTAGE. All the property abutting on one (1) side of a street between two (2) intersecting streets, or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

(46) FRONT YARD. The portion of a lot between the front of a building or dwelling and a public street measured along the street line. Corner lots shall have two (2) such yards.

(47) GARAGE, PRIVATE. A privately owned building used only for storage of not more than three (3) motor-driven vehicles (See also CARPORT).

(48) GARAGE, PUBLIC. Any garage, other than a private garage, which is open to the public and used for the storage of motor vehicles.

(49) GAS STATION. A building or place of business where gasoline, oil, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade and/or where minor repair service is rendered. This does not include convenience stores.

(50) GOVERNING BODY. The City Council of the City of Baraboo, Wisconsin.

(51) GROUP DEVELOPMENT. A group development is any development containing:

(a) Two or more structures containing principal permitted land uses on the same lot or parcel; and/or
(b) Any single structure devoted to institutional, office, or commercial land uses containing more than 40,000 gross square feet of floor area.

Common examples of Group Developments include condominium complexes, strip centers, shopping centers, and office centers. One tenant office or commercial building containing less than 40,000 gross square feet of floor area is not a group development even though such development may contain parcels under common ownership. (1983 07/27/99)

(52) HOME OCCUPATION. (2235 08/22/2006)

(a) A “Home Occupation” is defined as the production of goods and/or services, customarily conducted for gain or support, within a residence by a member of the family residing in the residence, and that has three or more of the following characteristics:

1. The direct sales of merchandise or service to customers at the residence, or meeting directly with customers at the residence.
2. Non-immediate family employees come to the residence.
3. The delivery of materials used in the home occupation to the residence.
4. Equipment used in the home occupation is stored outside the residence.
5. Evidence of use as a home occupation visible or audible from off the property.

Regardless of circumstances, a home occupation shall not include a daycare not required to be licensed by the State, home sales parties not exceeding twice per calendar month, an activity engaged in by persons under the age of 18 years, or private lessons offered in a home, such as music or reading.
(b) If a home occupation is permitted as a conditional use for a residence, it shall comply with the following general conditions:

1. Retail sales are not permitted within a home occupation building.
2. Shopping by customers is not permitted within a home occupation building.
3. Displayed items produced by the home occupation may be displayed but not sold.
4. A home occupation shall produce no offensive noise, vibration, dust, odors, smoke, heat, pollution, glare, or radio, electrical, or television interference or otherwise produce a nuisance.
5. No materials which decompose by detonation shall be allowed in conjunction with a home occupation.
6. No home occupation shall be permitted which changes the outside appearance of the dwelling or is visible from the street.
7. Materials used in or produced by a home occupation may not be stored or displayed outside of any building.
8. Nonresident employees of a home occupation may be permitted by the Plan Commission if the Plan Commission makes the following findings:
   1. That no non-resident employee shall perform any work or services at the site of the home occupation,
   2. That a non-resident employee shall not work out of a branch office located in his/ her home within the City unless the said branch office is also granted a conditional use permit, and
   3. That a non-resident employee shall not report for work at the site of the home occupation and leave his/her vehicle parked in the vicinity of the home occupation during the work day.
9. The volume of vehicular or pedestrian traffic or parking shall not result in congestion or be in excess of what is compatible with a residential neighborhood. There shall be no deliveries to or from a home occupation with a vehicle larger than a 30-foot long single-unit truck nor more than one delivery per day. Trucks shall not operate out of resident districts as part of a home occupation.
10. No more than one (1) home occupation shall be permitted per each lot.
11. A home occupation shall be carried on wholly within buildings on the lot by resident occupants and the total area devoted to the home occupation shall not exceed 20 percent of the gross floor area of the dwelling unit.
12. No home occupation shall be permitted that generates sewerage or water use in excess of what is normal for a residential dwelling.
13. No home occupation shall be permitted which requires plumbing, electrical, or structural changes when such changes are not dictated by the primary residential use of the property.
14. Home occupation uses shall meet all applicable fire and building code safety requirements.
15. No home occupation involving visits to the site of the home occupation by customers or the loading and unloading of business-oriented material shall be operated between the hours of 8:00 p.m. and 8:00 a.m.
16. The following uses are prohibited as home occupations:
   1. Veterinary clinics, pet grooming or boarding.
   2. Antique shop.
   3. Automobile or other motor vehicle repair or paint shops.
   4. Barber shops and beauty parlors.
   5. Furniture stripping and/or refinishing.
   6. Gift shops.
   7. Manufacturing or assembling items for sale from components not made on the same premises.
   8. Mortuaries.
(53) **HOTEL.** A building in which there are more than five (5) sleeping rooms designed for occupancy as a temporary residence of transient guests for compensation, who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite, including a permanent apartment for a resident manager. (2294 11/25/2008)

(54) **INTERSECTION.** A grade-separated intersection on a State Trunk Highway with one or more turning roadways for travel between intersection legs.

(55) **INTERIOR LOT.** See LOT, INTERIOR.

(56) **INTERSECTING HIGHWAY.** A highway of any political jurisdiction which forms one or more legs of an interchange and to which access is not fully controlled.

(57) **LOADING AREA.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

(58) **LODGING HOUSE (Including Boarding and Rooming House).** A residential building that is the primary residence of the owner where lodging is provided for compensation for not more than three (3) persons who are not members of the family. Lodging or meals or both are provided for compensation on a weekly or monthly basis. A lodging house excludes establishments that offer short-term accommodations for transients such as hotels, motels, bed and breakfasts, and emergency shelters.

(59) **LOT.** A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use; and sufficient in size to meet the area and other open space provisions of the City Codes.

(60) **LOT, CORNER.** A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side.

(61) **LOT, DEPTH OF.** The mean horizontal distance between the front and rear lot lines.

(62) **LOT, FAN SHAPED.** A parcel of land having a minimum 30-foot width on a public street. The lot width at the building setback line must be at least sixty (60) feet.

(63) **LOT, INTERIOR.** A lot other than a corner lot.

(64) **LOT, THROUGH.** An interior lot having frontage on two (2) non-intersecting streets.

(65) **LOT LINES AND AREA.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

(66) **LOT WIDTH.** The width of a parcel of land measured at the building setback line.

(67) **MANUFACTURED-HOME PARK.** A parcel of land under single ownership planned and improved for the placement of TYPE 1 Manufactured Homes for dwelling purposes. The park must comply with the provisions of this chapter and Ch. 12 of the City Code.

(68) **MANUFACTURED HOME (TYPE 1).** Single family detached housing built to the National Manufactured Housing Construction and Safety Standards Act of 1974 and includes structures known as manufactured homes or mobile homes. A factory-built, single family structure that is manufactured under the authority of 42 U.S.C. §5401, the National Manufactured Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame; and includes any additions, attachments, annexes, foundations and appurtenances. A manufactured home (TYPE 1) does not comply with the State One and Two-Family Dwelling Code (Subch. II of Ch. 101, Wis. Stats.) or with the Manufactured

(69) **MANUFACTURED BUILDING (TYPE 2).** A manufactured building is also known as a manufactured home TYPE 2. Any structure or component thereof which is intended for use as a dwelling and: (1) is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection, or assembly and installation, at the building site; or (2) is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection or assembly and installation, on the building site and for which certification is sought by the manufacturer. A manufactured building does not mean any manufactured home TYPE 1 or mobile home. A manufactured building is a dwelling unit that complies with Subch. III of Ch. 101, Wis. Stats., and shall have been inspected and certified by Department of Industry, Labor and Human Relations (DILHR) as complying with Subch. III and shall display the compliance insignia issued by DILHR.

(70) **MIXED-USE DEVELOPMENT.** The planned development or series of planned development stages for the combination of residential,
commercial, and/or industrial land uses. The development is to promote improved environmental design and innovative land uses in the City. To this intent, Mixed-Use Developments allow variation in the relationship of uses, structures, and open spaces in developments conceived and implemented as cohesive unified projects or as programmed series of development stages. It is the intent of these developments to be compatible with the applicable zoning district and with the surrounding zoning districts. It is further intended to encourage more rational and well-planned developments with relationship to public services, energy efficiency, and community appearance consistent with the overall intent of the Zoning Code and the Master Plan of the City.

(71) MOBILE HOME: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used, and includes any additions, attachments, annexes, foundations, and appurtenances. (See §66.058 Wis. Stats.

(72) MOTEL. At least five (5) attached, semi-attached or detached sleeping units for the accommodation of transient guests, including a permanent apartment for a resident manager. (2294 11/25/2008

(73) MUNICIPAL LIMITS. Official City of Baraboo boundaries.

(74) MUSEUM. A building of historical significance operated by a non-profit corporation or government.

(75) NON-CONFORMING USES OR STRUCTURES. See §17.15 of this chapter.

(75A) OFFICE. Office land uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis. (2250 04/10/07)

(76) OFFICIAL FLOODPLAIN ZONING MAP. See Subch. II of this chapter.

(77) PARKING LOT. A public or private structure or premises containing parking spaces for automobiles, trucks, and motorcycles subject to compliance with this code.

(78) PARKING SPACE. A graded or surfaced area of not less than one hundred eighty (180) square feet, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

(78A) PERSONAL OR PROFESSIONAL SERVICES. Personal service and professional service land uses include all exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment bases. Examples of such uses include professional services, insurance or financial services, realty offices, medical offices, or clinics, veterinary clinics, barber shops, beauty shops, and related land uses. (2250 04/10/07)

(79) PLANNED RESIDENTIAL DEVELOPMENT. The development of land for residential purposes under unified control and is planned as a development as a whole through a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements. A planned residential development may include a program for the provision, operation, and maintenance of such areas, facilities and improvements as will be for the common use by some or all of the occupants of the planned development, but which will not be provided, operated or maintained at general public expense. A planned residential development may include apartment complexes, townhouses or cluster developments.

(80) PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which it is located.

(81) PROFESSIONAL CATTERY. An area in a residence used by the owner/occupant of the residence to raise and sell purebred cats and kittens and which complies with the following conditions: no more than twenty-five (25) cats older than six (6) months of age shall be kept in the residence at any one time; none of the cats or kittens shall be allowed or permitted to be outside of the residence at any time; the cats and kittens shall be raised in a safe, sanitary and healthful environment and shall be properly fed and groomed at all times and all waste shall be disposed of in a safe and sanitary manner; the owner shall have the premises and each cat and kitten on the premises inspected, at the owner's sole expense, not less than two (2) times per calendar year by a veterinarian currently licensed by the State of Wisconsin, with each inspection being at least five (5) months apart and the inspecting veterinarian shall file a written report with the City's Zoning Administrator setting forth his/her findings; a City employee of the police department or the Office of the Zoning Administrator shall be authorized to inspect the residential area used for the operation of this home occupation at any reasonable time without notice to the owner or occupant thereof; no signs
shall be displayed advertising this use on the premises and the general conditions for home occupations set forth in §17.08(51) (d) - (p) shall be satisfied. (1809 04/18/95).

(82) PROFESSIONAL HOME OFFICE. An office in the residence of a clergyman, architect, landscape architect, professional engineer, registered land surveyor, lawyer, artist, teacher, author, musician or other similar recognized professions. The office shall be incidental to the residence; used to conduct the residence's profession; where the office does not exceed twenty percent (20%) of the floor area of one (1) story of a dwelling unit where the office is located; no more than one (1) nonresident person is employed; and only one (1) name plate, not exceeding four (4) square feet in area containing the name and profession of the occupant of the premises shall be exhibited.

The following uses are prohibited as professional home offices:
(a) Animal hospitals, pet grooming, or boarding.
(b) Antique shops.
(c) Automobile or other motor vehicle repair or paint shops.
(d) Barber shops and beauty parlors.
(e) Furniture stripping and/or refinishing.
(f) Gift shops.
(g) Manufacturing or assembling items for sale from components not made on the same premises.
(h) Mortuaries.
(i) Photographic studios.
(j) Private clubs.
(k) Restaurants.
(l) Small-engine repair shops.
(m) Stables or kennels.
(n) Any other home occupations not meeting the criteria established by the Zoning Code.

(82A) RETAIL SALES AND SERVICES. Retail sales and service land uses include all land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building. (2250 04/10/07)

(82B) ROUTINE MAINTENANCE. Painting, window replacement in the same opening area, roofing replacement without altering roof line. (2250 04/10/07)

(83) PUBLIC AIRPORT. Any airport that complies with the definitions contained in the Wisconsin Statutes.

(84) REAR YARD. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.

(84a) ROUTINE MAINTENANCE. – Painting, window replacement in the same opening area, roofing replacement without altering roof line. (This Section sunsets on 12/09/2013 or upon adoption of Smart Growth Zoning changes, whichever occurs first.) (2132 12/09/03)

(85) SALVAGE YARD. An area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile-wrecking yards, house-wrecking and structural-steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operational condition. Storage of three (3) or more unlicensed vehicles on the same premise may be evidence of operation of a salvage yard.

(86) SATELLITE ANTENNAS. See §17.38.

(86m) SELF-SERVICE FACILITY. Real property containing individual leased spaces but does not include a warehouse or other facility if the operator of the warehouse or facility issues a warehouse receipt, bill of lading or other document of title for personal property stored in the leased spaces. The facility is rented to a person who has free access to the storage space and is responsible for the property. (2445 8/23/16)

(87) SERVICE STATION. Any retail garage, other than a private garage, which is open to the public and used for equipping, servicing, repairing, leasing, or the parking of motor vehicles that are under repair.

(88) SETBACK. The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps.

(89) SEXUALLY ORIENTED BUSINESS. See Ch. 12 of this Code.

(89L) SHORT-TERM RENTAL DWELLING (2446 08/23/2016) Any single family dwelling that is rented to any person on a day-to-day basis or for a period of time of less than 30 consecutive nights. Any advertising of a short term rental dwelling shall be conclusive proof that a dwelling is being used as a short-term rental dwelling. Any real property that is used for short-term rental shall no longer be considered a single-family dwelling.

(89M) SIDE-BY-SIDE SINGLE FAMILY ATTACHED DWELLINGS. A duplex building containing two dwelling units, each
having its own independent outside access, with no other dwelling units located directly above or below it, and having a shared wall in common with one adjacent similar dwelling unit. (2257 05/22/07, 2446 08/23/16)

(90) SIDE YARD. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

(91) SIGNS. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, idea, opinion, firm, association, corporation, profession, business, commodity or product, and which is visible from any public street or highway.

(92) STORY. The portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling above it. A basement or cellar having ½ or more of its height above grade shall be deemed a story for purposes of height regulation.

(93) STORY, HALF. The space under any roof except a flat roof which, if occupied for residential purposes, shall be counted as a full story.

(94) STREET. All property dedicated or intended for public or private purposes, or subject to public easements therefore, and twenty-one (21) feet or more in width providing access to abutting properties.

(95) STREET LINE. A dividing line between a lot, tract, or parcel of land and a contiguous street.

(96) STREET YARD. See FRONT YARD.

(97) STRUCTURAL ALTERATIONS. Any change that would convert an existing building or structure, or a substantially different building or structure, or a change that would contribute to the longevity or permanence of the building or structure. Ordinary maintenance repairs, such as internal and external painting, decorating, paneling, replacement of doors and/or windows or other non-structural components, installation of insulation, or the repair or replacement of heating, electrical or plumbing improvements, including fixtures, shall not ordinarily be regarded as structural repairs. See also requirements for building, plumbing and electrical permits.

(98) STRUCTURE. Any erection or construction such as buildings, mobile homes, towers, masts, poles, booms, signs, wells, decorations, carports, covered decks, machinery, satellite antennas larger than twenty-four (24) inches in width, and equipment which requires a temporary or permanent location on or in the ground.

(99) SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the most current equalized value of the structure, either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either of the following:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of an historic structure or site to maintain or enhance its historical significance as approved by the City's Historic Preservation Commission;

(c) Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components.

(100) TEMPORARY STRUCTURE. A movable structure not designed for permanent human occupancy for the purpose that would commonly be expected to be relatively short term.

(101) THROUGH LOT. See LOT, THROUGH.

(102) TOWN HOUSE. A residential building or portion thereof, containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings.

(103) TRAILERS. Units, including camp trailers, intended for temporary occupancy.

(104) UTILITIES. Any public or private water supply or waste collection and/or disposal system, including, but not limited to, septic systems, private and public wells and their attendant facilities, public sewage collection systems, wastewater treatment facilities, telephone, cable
communications, gas and electric utilities.

(104m) WAREHOUSE. A person engaged in the business of storing goods for hire or any building, room, structure, or facility used for the storage of property. (2445 8/23/16)

(105) YARD. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

(106) VARIANCES. An authorization granted by the City to construct or alter a building or structure in a manner that deviates from the dimensional standards provided in this chapter in order to alleviate unnecessary hardship. A variance may not permit a use of property that is otherwise prohibited by this chapter.

(107) VETERINARY CLINIC - SMALL ANIMAL. A building, or portion thereof, used for the medical treatment of only small domesticated animals where there is no outside animal run(s) and no overnight boarding of animals except for medical reasons. This use shall not include on-site treatment of large animals such as cattle, horses, swine, sheep or similar animals and livestock.

(108) VISION CLEARANCE. A triangular-shaped portion of land established at street intersections, in which nothing over twenty-four (24) inches is to be erected, placed, planted, or allowed to be grown in such a manner as to limit or obstruct the sight of motorists, bicycles, and pedestrians entering or leaving the intersection. See §17.39.

17.09 JURISDICTION. The jurisdiction of this chapter shall include all lands and waters within the boundaries of the City of Baraboo, Wisconsin.

17.10 COMPLIANCE. No structure, land or water shall hereafter be used, and no structure, or part thereof, shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered with-out full compliance with the provisions of this chapter and all other applicable City, county, state, and federal ordinances, codes and regulations.

17.11 ZONING CHANGES AND AMENDMENTS.

(1) PETITION REQUIREMENTS. A written petition for a zoning change or a special zoning exception shall be filed with the City Clerk on a form prescribed by the City. Upon receipt of the information, fee and materials required by this chapter, the City Clerk shall forward the petition to the Plan Commission and the City Council. Where applicable, each petition shall include the following:

(a) A statement with supporting evidence showing that the proposed zoning change or special zoning exception shall conform to the purpose, intent, spirit and regulations of The Codes.

(b) The names and addresses of each petitioner and each record owner of the site.

(c) The names and addresses of all the owners of the lands immediately adjacent to the boundaries of the site extending 200 feet therefrom and all the owners of the land directly opposite from the site extending 200 feet from the street frontage of such opposite land. (2131 12/09/03)

(d) A full and accurate legal description of the site, the address of the site, the tax parcel number of the site, the present zoning classification of the site, the proposed zoning change or special zoning exception, a description or photograph of each structure presently on the site, and a description of the present use of the site and structures thereon.

(e) The proposed operation or use of the land constituting the site and each structure on the site, and the number of persons to be employed on the site, if any.

(f) Each petition shall be accompanied by a survey map or other map or drawing to scale approved by the Zoning Administrator showing the location, property boundaries, dimensions, uses and size of the following: site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing access restrictions; existing and proposed street, side and rear yards; a detailed plan of proposed surface water drainage, topographic data or pertinent grade elevations where necessary for proper interpretation of the plans and a locational diagram showing the property in relation to the surrounding area.

(g) The petition shall be accompanied by the payment of the required fee.

(2) ADDITIONAL INFORMATION REQUIRED. The Plan Commission, City Council and officers of the City shall be empowered and authorized to request the petitioners to provide such additional information as deemed necessary in order to consider any request for a zoning change or special zoning exception. Such additional information may include, but shall not be limited to: an accurate survey map prepared by a registered land surveyor, or an accurate map or drawing to scale of the site and its structures;
a plan showing contours, soil types, high water mark, groundwater conditions, bed rock, slope and vegetation cover; elevations of the site and elevations of the lands immediately adjacent to the boundaries of the site; specifications for areas of proposed filling, grading and lagooning or dredging; location of buildings, structures, parking areas, traffic access, drive-ways, walkways, open spaces, landscaping and lighting; fire lanes, fire hydrants and fire protection plans; plans for buildings; sewerage disposal facilities; water supply systems; disposal of solid waste and recycling; and overall arrangement of operations on the site.

(3) SEWERAGE AND WATER SERVICE REQUIREMENTS. If either municipal sewerage service or municipal water is not available to the site, the petitioners shall provide plans prepared by an appropriate, professionally licensed authority certifying, in writing, that satisfactory, adequate and safe sewage disposal will be available on the site in accordance with applicable City, County and State regulations, and that an adequate and safe supply of water will also be available at the site. For all other required improvements see the Sub-division Code and other sections of the Zoning Code.

(4) ZONING CODE AMENDMENTS. The City Council may, from time to time, on its own motion or on petition, after first submitting the proposal to the Plan Commission for report and recommendation, amend, supplement, or change the district boundaries or the regulations of this zoning code, upon giving notice as required by §62.23(7)(d), Wis. Statutes of the hearing regarding the proposed amendment, supplement or change, and an opportunity to any person interested to be heard. Notice of the time, place and purpose of such hearing shall be given by publication as required by §62.23(7)(d). If the zoning amendment or change involves a change in the Official Zoning District Map as provided in Section 17.18 of this code, notice of the time, place and purpose of the public hearing required by this section shall also be sent to the applicant and to the property owners of record as shown on the current City of Baraboo Property Tax Assessment Roll, who are the owners of the parcel(s) included in the proposed amendment or change and to the property owners who are the owners of each tax parcel(s) situated in whole or in part within 200 feet of the boundaries of the subject parcel(s). This notice shall be mailed by first class mail at least ten (10) days prior to the date of such public hearing to the address of the property owner as shown on the current City of Baraboo Property Tax Assessment Roll for each such tax parcel. Failure to comply with these notice provisions or the failure of a person or property owner to receive notice shall not, however, invalidate any previous or subsequent action on the proposed zoning amendment or change nor shall such failure to give notice invalidate any proceedings under this chapter providing such failure is unintentional. Such mailed notice shall not be required where the amendment or change is of such a comprehensive nature that such notice would involve unreasonable administrative effort and expense. (2131 12/09/03)

(5) ZONING PROTEST. In case of protest against a zoning change or amendment duly signed and acknowledged by the owners of 20 percent (20%) or more either of the areas of land included in such proposed amendment, supplement or change, or by the owners of land immediately adjacent extending 100 feet there-from, or by the owners of 20 percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment, supplement or change shall not become effective except by a favorable vote of three-fourths (3/4) of the members of the City Council.

(6) FLOODFRINGE OR FLOODPLAIN AMENDMENTS. Any amendments to or affecting the Flood-fringe and/or the Floodplain Districts shall be approved by the Wisconsin Department of Natural Resources before action is taken by the City Council or before such regulations become effective. See Subch. II of this Chapter.

### 17.12 SITE REGULATIONS

#### (1) UNSUITABLE LAND CHARACTERISTICS

No land shall be used or structures erected where the land is held unsuitable for such use or structure by the City Council after review and recommendation of the Plan Commission by reason of:

(a) Flooding
(b) Concentrated runoff
(c) Inadequate drainage
(d) Adverse soil or rock formation
(e) Unfavorable topography
(f) Low percolation rate
(g) Low bearing strength
(h) Erosion susceptibility
(i) Or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, historical value, and general welfare of this community.

The Plan Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he or she so desires. When making recommendations to the City Council, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

#### (2) LOT MUST ABUT STREET

No zoning reclassification shall be considered for any lot unless the lot abuts a public street which has
been dedicated to its full width as required by

The Codes.

(3) SEWER AND WATER SERVICE. In any
district where a public water supply or public
sewerage service is not available, the lot shall
comply in all respects with the applicable
provisions of the Wisconsin Administrative
Code for lands not served by a public water
supply and/or a public sewerage system.

(4) STREET FRONTAGE REQUIRED FOR
BUILDABLE LOT. To be buildable, a lot
shall comply with the frontage setback
requirements of the Zoning District in which
it is located, but, in all cases, a lot shall abut
upon and have a minimum frontage of thirty
(30) feet on a public street. Each fan shaped
lot shall have a minimum of sixty (60) foot
width at the building setback line.

(5) Chimneys, monuments, stacks, water towers,
on ornamental towers and spires are hereby
excepted from the height regulations of this
subchapter. (2300 04/14/2009)

(6) Where a lot abuts on two (2) or more streets or
alleys having different average established grades,
the higher of such grades shall control for a depth
of 120 feet from the line of the higher average
established grade. (2300 04/14/2009)

(7) Public or semi-public facilities such as schools,
churches, monuments, sanitariums,
libraries, governmental offices, and stations
may be erected to a height of 60 feet provided
all required yards are increased not less than
one foot for each foot the structure exceeds the
district's maximum height requirement. (2300
04/14/2009)

(8) Uncovered stairs, landing, and fire escapes may
project into any yard, but not to exceed six feet
and not closer than three feet to any lot line.
(2300 04/14/2009)

(9) Architectural projections such as chimneys,
flues, sills, eaves, belt courses, and ornaments
may project into any required yard, but such
projection shall not exceed two feet (2300
04/14/2009)

(10) Open decks may extend into required side yards
and rear yards, but shall not be closer than six
feet to property lines. (2300 04/14/2009)

(11) Ground level, concrete or wood platforms may
extend to within three feet of a property line,
provided that no vertical type construction may
be added and that no projected type of roof
cover be added. (2300 04/14/2009)

(12) Essential services, utilities, electric power, and
communication transmission lines are exempt
from the yard and distance requirements of this
subchapter. (2300 04/14/2009)

(13) Hedges, trees, shrubs, and other plantings shall
not be planted so as to extend closer than three
feet to an alley right-of-way line. (2300
04/14/2009)

(14) Screening Regulations - Any use required by this
chapter to be screened shall be contained within
an opaque fence or wall eight feet high or a visual
screen consisting of evergreen or evergreen type
hedges or shrubs, spaced at intervals of not more
than six feet, located and maintained in good
condition within 15 feet of the property line, or
in any way out of view of the public. (2300
04/14/2009)

17.13 USE REGULATIONS. The following use
restrictions and regulations shall apply:

(1) PRINCIPAL USES. Principal uses specified for
a district shall be permitted in that district.

(2) ACCESSORY USES. Accessory uses and
structures are permitted in any district, but not
until their principal structure is present or under
construction.

(3) LIMITED NUMBER OF BUILDINGS. There
shall be no more than one (1) principal dwelling
and two (2) accessory structures on each lot in
any Residential or Manufactured Home District.

(4) ESSENTIAL SERVICES. Services provided by
public and quasi-public utilities necessary for the
exercise of the principal use or service of the
principal structure shall be permitted in all districts.
These services include underground, surface or
overhead gas, electrical, steam, water, sanitary
sewerage, storm water drainage, communication
systems, and accessories thereto, such as poles,
towers, wires, mains, drains, wells, vaults, culverts,
laterals, sewers, pipes, catch basins, water storage
tanks, conduits, cables, fire stations, police stations,
EMS stations, traffic signals, pumps, lift stations, and
hydrants, but not including outside storage areas.

(5) TEMPORARY USES AND STRUCTURES.
Temporary uses such as real estate sales field
offices or shelters for materials and equipment
being used in the construction of a permanent
structure may be permitted by the Board of
Zoning Appeals.

17.14 REDUCTION OR JOINT USE. No lot, yard,
parking area, building area or other space shall be
reduced in area or dimension so as not to meet the
provisions of this chapter. No part of any lot, yard,
parking area, or other space required for a structure
or use shall be used for any other structure or use.

17.15 EXISTING NON-CONFORMING USES OF
STRUCTURES, LAND AND WATER, AND
SUBSTANDARD LOTS.
(1) EXISTING LAWFUL NON-CONFORMING USES. An existing lawful non-conforming use shall include, but not be limited to, the following:

(a) The lawful non-conforming use of land without structures.
(b) The lawful non-conforming use of water.
(c) The lawful non-conforming use in a conforming structure.
(d) The lawful non-conforming use in a non-conforming structure.
(e) The lawful non-conforming use on a conforming lot.
(f) The lawful non-conforming use on a non-conforming lot.
(g) The lawful non-conforming use of land with conforming structures.
(h) The lawful non-conforming use of land with non-conforming structures.

Examples of the above terms can be found in Appendix A at the end of this Subchapter. A lawful non-conforming use which was in existence at the adoption of the Zoning Codes which caused it to be non-conforming may be continued although the use does not conform with the provisions of the Codes; provided, however that such use complies with each of the following provisions:

(a) Only that use which is in open, active and in actual existence at the time of the adoption or applicable amendment of the Zoning Codes such that it can be said that the property owner acquired a vested interest in its continuance may be so continued as a legal non-conforming use, provided further that said use may not in any way be extended, enlarged, substituted, moved, added to or changed, except when authorized by this section; and

(b) No structure or building on lands containing a legal non-conforming use may be extended, enlarged, structurally repaired, structurally altered, totally rebuilt, substituted, moved, remodeled, modified or added to, except when required to do so by law, or until the legal non-conforming use has been made to conform to all of the regulations of the district in which it is located, or when authorized by this section; and

(c) No lot or lands containing a legal non-conforming use, may be reduced in size, modified, increased in size or changed in any manner, except when required to do so by law, or until the legal non-conforming use has been made to conform to all of the regulations of the district in which it is located, or when authorized by this section.

(2) EXISTING CONFORMING USES OR NON-CONFORMING LOTS CONTAINING CONFORMING STRUCTURES.

(a) A conforming structure located on lands which do not conform to the regulations of the district in which said lands are located and which conforming structure existed at the time of the adoption or amendment of the Zoning Code may be continued only as long as all uses on the lands containing the conforming structure are legal conforming uses. Such conforming structure may be extended, enlarged, substituted, moved, remodeled, modified, or added to as long as any such change conforms with the established building set back lines along streets, yards, height, area, parking, loading or distance requirements, access regulations, and all such requirements of the district in which it is located. Such a conforming structure may be totally rebuilt if such reconstruction is identical in size, shape and use to the original conforming structure.

(b) A legal non-conforming structure existing at the time of the adoption of the Zoning Codes which contains a legal conforming use, whether on a conforming or non-conforming lot, may be moved, and if moved, must conform with the established building set back lines along streets, yards, height, area, parking, loading or distance requirements, access regulations, and all such requirements of the district in which it is located. Such a non-conforming structure may be totally rebuilt if such reconstruction is identical in size, shape and use to the original non-conforming structure.

(3) RESTORATION OF NON-CONFORMING STRUCTURE OR USE.

(a) Excepting destruction or damage caused by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, explosion, or earthquake, a non-conforming structure or use which is destroyed or damaged by, other natural disaster, other casualty, or is dismantled for the purpose of reconstruction shall not be repaired, reconstructed, or restored if the cost of restoration to the condition in which it was immediately before the occurrence exceeds 50 percent (50%) of its equalized value at the time of the occurrence, unless said non-conforming structure or use shall conform to all of the regulations of the district in which it is located. If such damage or destruction is less than 50 percent (50%) of such equalized value, repairs or reconstruction may be made only if such restoration is started within one year from the date of the occurrence and is diligently prosecuted to completion.
Structures destroyed or damaged by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, explosion, or earthquake shall be subject to the provisions of §62.23(7)(hc), Wis.Stats. (2269 11/27/07)

(b) The total structural alterations made to a non-conforming structure or use shall not during its life exceed 50 percent (50%) of the equalized value of the non-conforming structure or use as of the date of its becoming a non-conforming structure or use unless said structure and the use therefore shall conform to all of the regulations of the district in which it is located. If the equalized value of the structure or use at the time of its becoming non-conforming cannot be determined by City records, the equalized value as of January 1, 1996, shall be the value used for these purposes.

(c) If a non-conforming use of lands contains more than one structure, each structure which contains a non-conforming use shall be subject to the restoration requirements of this subsection.

(d) In calculating the cost of restoration, the cost of labor and materials shall be determined based upon the market value for the proposed restoration project.

(e) If City, County or State records do not show an equalized value for a structure or use as required by this subsection, then the fair market value of the nonconforming structure or use shall be determined by an appraisal conducted by the City Assessor using the date of the occurrence if the restoration is undertaken under sub (a) above or the date of January 1, 1996, if the value is determined under sub (b) above.

(4) DISCONTINUANCE OF A NON-CONFORMING STRUCTURE OR USE. If a non-conforming structure and/or use is not openly, actively and actually used for a continuous period of at least thirty (30) consecutive days within any calendar year, such non-conforming structure and/or use shall be deemed to be discontinued and terminated and any future use of this structure and/or land shall conform in all respects to the regulations of the district in which it is located.

(5) REVERSION.

(a) The non-conforming use of a structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall be utilized only for such non-conforming use and shall not be changed to any use other than a use permitted in the district in which such structure is located.

(b) A non-conforming use of land or a non-conforming use of a structure shall not be changed to another non-conforming use, except to a use permitted in the district in which it is located.

(c) Once a legal nonconforming lot has been changed to conform to the regulations of the district in which it is located, it shall not revert back to any legal non-conforming status. If the Plan Commission permits the substitution of a more restrictive non-conforming use for an existing legal non-conforming use, the substituted use shall lose its status as a legal non-conforming use and the structure or land shall become subject to all the conditions required by the Plan Commission and shall thereafter be treated as a conditional use.

(6) RECORD OF NON-CONFORMING PROPERTIES. The City Zoning Administrator shall prepare and maintain a current file of all lawful and unlawful non-conforming uses, non-conforming structures and non-conforming lots, listing the following:

(a) The current name and address of each property owner.

(b) Address and tax parcel number of parcel.

(c) Description of all uses of each structure, land or water.

(d) A site plan including photographs of the property showing the location and size of all conforming and non-conforming structures on the parcel.

(e) A plat map showing the dimensions of the parcel.

(f) The equalized value of the land and each improvement on the land at the time the legal non-conformity was created or if such determination cannot be made, then as of January 1, 1996.

The City Assessor shall cooperate with the Zoning Administrator in establishing and maintaining this listing such that the City Assessor records can be utilized by the Zoning Administrator to carry out the provisions of this section. The Zoning Administrator shall establish a procedure whereby any person who claims to own a legal non-conforming structure, legal non-conforming use of a structure(s) or land, or a vacant, legal non-conforming lot shall be required to register such structure, use or lot with the office of the Zoning Administrator and to obtain a non-conforming certificate.

(7) BURDEN OF PROOF. The property owner has the burden showing that a use, structure or lot is legally non-conforming or a legal non-conforming use, structure or lot. The determination shall be made by the City Zoning Administrator, and the decision of the Zoning Administrator may be appealed to the Plan Commission.
§ 17.16 ZONING REGULATIONS. No person shall use land or any building or structure or erect, construct, reconstruct, move, or structurally alter a building, structure, or part thereof except in conformance with this chapter and City Codes. Permitted uses in each zoning district shall be mutually exclusive except as otherwise indicated.

§ 17.17 GENERAL PROVISIONS.

(1) HOME OCCUPATIONS AND PROFESSIONAL OFFICES IN DWELLINGS. See §17.08 of this chapter.

(2) VALIDITY OF CERTAIN BUILDING PERMITS. Nothing herein contained shall require any change in plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective amendment date of this chapter and construction of which shall have been started within six (6) months from the date of the permit.
(3) OFF-STREET LOADING REQUIREMENT EXCEPTION. §17.40 of this chapter.

(4) OFF-STREET PARKING REQUIREMENTS. See §17.41 of this chapter.

(5) BORDER YARD REQUIREMENTS. Any side yard, rear yard, or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts that abut the district boundary line.

(6) FRONTAGE ON CORNERLOTS. A corner lot shall provide the minimum front yard setback on each street in accordance with this Chapter.

17.18 ESTABLISHMENT OF DISTRICTS AND INCORPORATION OF ZONING DISTRICT MAP (1681 02/26/93, 2396 06/11/13).

(1) ESTABLISHMENT OF DISTRICTS. For the purposes of this chapter, the City is divided into districts as follows:

A-1 Agricultural Transitional District
A-2 Agricultural Holding District
B-1 Central Business District
B-2 Neighborhood Business District
B-3 Highway Oriented Business District
C-1 Conservancy District
HIA Highway Interchange Area District (Overlay District)
I-1 Industrial District, Enclosed Storage
I-2 Industrial District, Open Storage
I-3 Industrial/Business District
I-4 Industrial/Business District
MH Manufactured-Home (TYPE 1) Residential District
MHP Manufactured Home Park District
R-1 Single Family Residential District
R-2 Two-Family Residential District (2250 04/10/07)
R-3 Three and Four Family Residential District (2250 04/10/07)
R-4 Five through Twelve Family Residential District
R-5 Thirteen-Family and Up Residential District

(2) INCORPORATION OF MAP. The boundaries of the aforesaid districts are hereby established as shown on the map entitled “Zoning District Map, Baraboo, Wisconsin” dated February 23, 1993, which is on file in the office of the City Engineer and is incorporated herein by reference. All notations and references shown on the Zoning District Map are as much a part of this chapter as though specifically described herein, including all amendments to the Zoning District Map made in compliance with the law.

(3) DISTRICT BOUNDARIES.

(a) The district boundaries are either streets or alleys unless otherwise shown and, where the Zoning District Map indicates various districts are approximately bounded by a street or alley line, such street or alley centerline shall be construed to be the district boundary line.

(b) Where the district boundaries are not otherwise divided into blocks and lots, the district boundaries shall be construed to be lot lines and, where the designations on the Zoning District Map are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of the district.

(c) In un-subdivided property, the district boundary lines shown on the Zoning District Map shall be determined by use of the scale shown on such map.

(d) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

(4) DISTRICT BOUNDARIES AND MAP AMENDMENTS. Since the adoption of the Zoning District Map, on February 3, 1993, amendments to district boundaries and corresponding amendments to said map have been made as follows:


(c) Detachment Ordinances. Ord. #1683

(d) Planned Unit Developments. The following Planned Unit Developments are approved and incorporated into the zoning map: 2266 (Swifthaven/Gilran PUD 2007-1), 2275 (Gilbert FTW/Stratford Place PUD 2008-1), 2325...
(Kwik Trip PUD 2009-1), 2330 (St. Clare Meadows PUD 2009-2), 2352 (Scott Sullivan 2010-1), 2363 (Mary L. Schaible 2011-1) 2386 (Oak Park Property 2012-01) 2391 (SSM Health Care Corporation 2013-02) 2392 (Children's Day Center 2013-01), 2396 (Laymon Properties, LLC 2013-03) 2411 (UW-Baraboo/Sauk County Campus 2014-01), 2426 (201 8th St/1004 Ash St 2014-02), 2430 (March Hare, LLC 2015-01), 2433 (232 Water St 2015-02), 2435 (125 9th St 2015-03), 2441 (500 7th St 2016-01) 2456, 2493 (609 8th Ave) 2017-01 2457 (101 2nd Ave) 2017-02 2463 (626 14th St 2017-03) 2469 (Oak Park Property 2017-04) 2480 (PUD 2018-01) 2482 (PUD 2018-02) 2479 (PUD 2018-03) 2495, 2496 (PUD/SIP 2018-04)
(a) A special zoning exception allowing the operation of a Community Living Arrangement, with a capacity of up to fifteen (15) residents, is hereby granted to the following described lands in the City of Baraboo:

Part of the SW¼ SW¼ of Section 25, T12N, R6E, commencing at a point 33 feet north and 33 feet west of the southeast corner of said ¼-¼ section, thence west 224 feet, thence north 149 feet, thence east 224 feet, thence south 149 feet to point of beginning, being the property at 525 15th Street, Baraboo, Wisconsin (The Property).

(b) The granting of the special zoning exception shall be conditioned upon the following:

1. The Property shall be licensed by the State of Wisconsin as a Community Based Residential Facility (CBRF).

2. The Property may accommodate not more than fifteen (15) residents as defined by HSS 3.05(28) 1988.

3. The occupancy of the Property shall be limited solely to a “target group” who have “disabilities associated with the infirmities of aging” as defined by the Wisconsin Administrative Code. The City Council has determined that any other “target group” would not be appropriate in the R-2 residential district where the facility is located due to traffic congestion, safety, density and the proximity of other R-2 properties to the facility. The granting of this special exception is conditioned upon no other “target group” persons residing on The Property.

4. The Property may not be used as a boarding house for any person who is not classified by the State of Wisconsin as an adult qualifying for occupancy as provided in the special zoning exception granted herein, except that the owner or manager and an adult spouse or friend may also occupy the property as a residence.

5. This special zoning exception and conditions shall run with the title to The Property. Failure to comply with any of the above conditions shall automatically cause the special exception granted by this ordinance to be declared null and void and canceled, and The Property shall then revert back to a limitation of no more than eight (8) residents.

6. The foregoing special zoning exceptions shall apply only to the main residence on The Property. No residents may reside in any other building on The Property.

(5) SPECIAL ZONING EXCEPTION GRANTED FOR COMMUNITY BASED RESIDENTIAL FACILITY AT 1200 WASHINGTON AVENUE, BARABOO.

(a) A special zoning exception allowing the operation of a community based residential facility with a capacity of up to twenty (20) residents is hereby granted to the following described lands in the City of Baraboo:

Lot One and Lot Two Certified Survey Map No. 2852 and further commencing at the Southwest corner of Lot One, Certified Survey Map No. 2852, thence S 89° 59' 01" West 99 feet, thence North 170.88 feet, thence North 89° 58' 30" East 100.11 feet, thence South 169.15 feet to the point of beginning, City of Baraboo, Sauk County, Wisconsin, being the property at 1200 Washington Avenue, Baraboo, Wisconsin (The Property).

(b) The granting of the special zoning exception shall be conditioned upon the following:

1. The Property shall be licensed by the State of Wisconsin as a community based residential facility.

2. The Property may accommodate no more than twenty (20) residents as defined by §HSS 3.05(28), Wisconsin Administrative Code (August, 1994).
3. The occupancy of The Property shall be limited solely to a "target group" who have "disabilities associated with the infirmities of aging" as defined by the Wisconsin Administrative Code. The City Council has determined that by allowing the increased density in the facility, the "target group" occupying the facility must be limited to residents who are classified solely as those persons with disabilities associated with the infirmities of aging. The City Council has determined that any other "target group" would not be appropriate in the R-2 residential district where the facility is located due to traffic congestion, safety, density and the proximity of other R-2 properties to the facility. The granting of this special exception is conditioned upon no other "target group" persons residing on The Property.

4. The Property may not be used as a boarding house for any person who is not classified by the State of Wisconsin as an adult qualifying for occupancy as provided in the special zoning exception granted pursuant to this subsection, except the manager or owner of the facility and his/her immediate family may occupy The Property as a residence.

5. This special zoning exception and the foregoing conditions shall run with the title to The Property. Failure to comply with any of the above conditions shall automatically cause the special exception granted herein to be declared null and void and canceled, and The Property shall then revert back into compliance with the provisions applicable to the zoning for The Property.

6. SPECIAL ZONING EXCEPTION GRANTED FOR FACILITY AT JEFFERSON AND 15TH STREETS, BARABOO, WISCONSIN. (2019 08/08/2000, 2188 03/08/05)

(a) A special zoning exception allowing the operation of a community-based residential facility providing assisted living for the frail elderly with a capacity of up to 24 units and a community based residential facility providing assisted living for the memory-impaired elderly (an Alzheimer's facility) with a capacity of up to 17 units, out-patient medical and counseling professional clinic offices and related facilities, and an out-patient dialysis facility is hereby granted to the following described lands in the City of Baraboo:

A parcel of land located in the NW ¼ - NE ¼ of §36, T12N, R6E, City of Baraboo, Sauk County, Wisconsin, described as follows:

Commencing at the north one-quarter corner of said Section 36; thence S00°36'11"E, 33.00 feet along the north-south one-quarter line of said Section 36 to a point on the south right-of-way line of 15th Street; thence N89°08'45"E, 186.00 feet along the south right-of-way line of 15th Street to the point of beginning; thence continuing N89°08'45"E, 483.73 feet along the south right-of-way line of 15th Street to a point on the north right-of-way line of 14th Street; thence S89°08'45"W, 480.40 feet along the north right-of-way line of 14th Street to a point on the east right-of-way line of Jefferson Street; thence N00°36'11" W, 425.60 feet along the east right-of-way line of Jefferson Street to the point of beginning, together with the lands attached to the above described parcel by virtue of the vacation of that portion of 14th Street lying east of Jefferson Street. (The Property)

(b) The granting of the special exception shall be conditioned upon the following:

1. The Property shall be licensed by the State of Wisconsin as a community-based residential facility for use as an assisted living facility for the frail elderly and for use as an assisted living facility for the memory impaired elderly (an Alzheimer's facility), provided, however, the occupancy of The Property shall be limited solely to a “target group” who have “disabilities associated with the infirmities of aging” as defined by the Wisconsin Administrative Code. The City Council has determined that by allowing the increased density in the facility, the “target group” occupying the facility must be limited to residents who are classified solely as those persons with disabilities associated with the infirmities of aging. The City Council has determined that any other “target group” would not be appropriate in the Residential 2 (R-
2) District where the facility is located due to traffic congestion, safety, density, and the proximity of other 1 and 2 family residential properties to the facility. The granting of this special exception is conditioned upon no other “target group” persons residing on the Property.

2. The Property may accommodate up to a 24-unit assisted living facility for the frail elderly and up to a 17-unit assisted living facility for the memory impaired elderly (an Alzheimer’s facility).

3. The Property may not be used as a boarding house for any person who is not classified by the State of Wisconsin as an adult qualifying for occupancy as provided in the special zoning exception granted pursuant to this section, except that the owner or manager and an adult spouse or friend may also occupy the Property as a resident.

4. Except as otherwise stated below, the development of the Property shall contain the following special conditions to be constructed and maintained in accordance with the final site plan approved by the City Engineer and on file in the office of the City Engineer:
   a. Private walkways per site plan.
   b. Off-street parking. All off-street parking designated on the site plan shall be treated as combined shared parking for all operations conducted on the Property provided the total number of parking spaces meets the City Code requirements for off-street parking for all operations conducted on the Property.
   c. On-site lighting shall be as shown on site plan and shall be self-contained on the site.
   d. Fire lanes and hydrants shall be per site plan subject to the approval of the Fire Chief.
   e. A driveway on the site shall be accessed from the existing driveway on Jefferson Street.
   f. Sanitary sewer main service shall be constructed in accordance with City Codes.
   g. Special signs shall be allowed as shown on the site plan providing all signs meet the City’s Sign Code.
   h. Landscaping shall be constructed, planted, and maintained as shown on the final site plan and in accordance with the City Code.
   i. Storm water management shall be per City Code in accordance with the plan approved by the City Engineer.

5. This special zoning exception and the foregoing conditions shall run with the title to the Property. Failure to comply with any of the above conditions shall automatically cause the special exception granted herein to be declared null and void and cancelled and the Property shall then revert back into compliance with the provisions applicable to the zoning of the Property.

7) SPECIAL ZONING EXCEPTION GRANTED FOR COMMUNITY BASED RESIDENTIAL FACILITY AT LOT #9, PARKSIDE SUBDIVISION, BARABOO, WISCONSIN. (2006 08/14/2001)

(a) A special zoning exception allowing for the operation of a Community Based Residential Facility up to fifteen (15) units is hereby granted to the following described lands in the City of Baraboo, WI:

   Lot #9, Parkside Subdivision,
   City of Baraboo, Sauk County,
   Wisconsin, parcel #2745-0900.

(b) The granting of this special zoning exception shall be conditioned upon the following:

   1. The Property shall be licensed by the State of Wisconsin as a community-based residential facility.
   2. The Property may accommodate up to a 15 unit assisted living facility for the frail elderly.
   3. The occupancy of the Property shall be limited solely to a “target group” who has “disabilities associated with the infirmities of aging” as defined by the Wisconsin Administrative Code. The City Council has determined that any other “target group” would not be
appropriate in the Residential-5 District (R-5) where the facility is located due to traffic congestion, safety, density, and the proximity of another Community Based Residential Facility and one and two family residential properties to the facility. The granting of this special exception is conditioned upon no other “target group” persons residing on The Property.

4. The Property may not be used as a boarding house for any person who is not classified by the State of Wisconsin as an adult qualifying for occupancy as provided in the special zoning exception granted pursuant to this section, except that the owner or manager and an adult spouse or friend of a qualified occupant may also occupy The Property as a resident.

5. The development of The Property shall be in accordance with the site plan on file in the office of the City Engineer and the development shall control stormwater runoff by discharging roof drains to pervious surfaces to the extent practical and by sloping driveways to adjacent lawns to the extent practical and by granting to the City, an additional eight (8) foot drainage easement added to the current drainage easement running along the hypotenuse of the triangular shaped lot, said additional easement shall be deemed dedicated to the City upon the granting of a building permit for the proposed development. Property owner shall also execute a written easement agreement. Due to the unusual shape of Lot #9, Parkside Subdivision, a twenty-foot setback from the hypotenuse of the triangular shaped lot is hereby approved. The Property shall also comply with the City Landscaping Code and Off-Street Parking Code for such a facility.

6. This special zoning exception and the foregoing conditions shall run with the title to The Property. Failure to comply with any of the above conditions shall automatically cause the special exception granted herein to be declared null and void and cancelled and The Property shall then revert back into compliance with the provisions applicable to the zoning of The Property.

17.20 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT. (1652 09/14/92, 2446 08/23/16)

(1) PURPOSE. The R-1 Single Family Residential District is established to protect the integrity of the residential areas by prohibiting incursion of incompatible residential and nonresidential uses, maintain compact residential development around existing urban-residential areas, and locate only sewered, one-family residences. This district is for low-density residential use.

(2) PRINCIPAL PERMITTED USES. One family dwellings with sanitary sewer.

(3) ACCESSORY USES. Essential services.

(4) CONDITIONAL USES.
   (a) Churches.
   (b) Community Living Arrangements.
   (c) Gazebos.
   (d) Home Occupations
   (e) Nursery, elementary and secondary schools; whether public, private or parochial.
   (f) Parks or playgrounds.
   (g) Professional Home Offices
   (h) Satellite dish antennas.
   (i) Swimming pools with accessory structure.
   (j) A non-profit charitable or civic organization clubhouse. (1910 07/08/97)
   (k) Adult Day Care Center. (1913 07/22/97)
   (l) Short-term rental dwelling. (2446 08/23/16)

(5) LOT SIZE REQUIREMENTS.
   (a) Minimum Lot Area: 12,500 square feet.
   (b) Minimum Lot Width: Minimum 100 feet.

(6) MINIMUM YARD DIMENSIONS (SETBACK).
   (a) Principal Building:
      1. Street - 35 feet
      2. Side Yard - 10 feet.
      3. Rear Yard - 25 feet.
   (b) Accessory Building:
      1. Side Yard - 10 feet.
      2. Rear Yard - 10 feet, except that 3 feet shall be the minimum dimension abutting an alley.

(7) MAXIMUM LOT COVERAGE.
   (a) Principal Building: 25 percent (25%).
   (b) Accessory Building: 6 percent (6%).
8) MAXIMUM BUILDING HEIGHT.
   (a) Principal Building Height: Three stories, but not over 35 feet.
   (b) Accessory Building Height: One story, but not over 15 feet.

17.20A R-1A SINGLE FAMILY RESIDENTIAL DISTRICT. (2148 04/13/04, 2446 08/23/16)
(1) PURPOSE. The R-1A Single family Residential District is established to protect the integrity of the residential areas by prohibiting incursion of incompatible residential and nonresidential uses, to maintain compact residential development around the existing urban-residential areas, to locate this zone in areas without a severe soil limitation, and to locate only sewered residences of one (1) family. This district is for low-density residential use.

(2) PRINCIPAL PERMITTED USE
   (a) Single family dwellings.
   (b) Two-Flat Dwellings and Two-Family Dwellings to be constructed on property that existed as vacant land as of November 30, 2007, provided that a building permit is issued for construction of the dwelling on or before December 31, 2010. (2269 11/27/07)

(3) ACCESSORY USES.
   (a) Carports.
   (b) Detached private garages.
   (c) Essential services.
   (d) Gazebos. (2355 03/22/11)

(4) CONDITIONAL USES.
   (a) Churches.
   (b) Community Living Arrangements.
   (c) Gazebos.
   (d) Home occupations.
   (e) Nursery, elementary and secondary schools; whether public, private or parochial.
   (f) Parks or playgrounds.
   (g) Professional home offices.
   (h) Swimming pools with accessory structure.
   (i) A non-profit charitable or civic organization clubhouse.
   (j) Adult Day Care Center.
   (k) Two-Flat Dwellings and Two-Family Dwellings, except as provided in (2)(b), above. (2269 11/27/07)
   (l) Side-by-side single family attached dwellings. [See §17.37(9)] (2257 05/22/07)
   (m) Schools – public, private, or parochial; including, but not limited to, nursery, elementary, middle, and high schools; technical schools; colleges, and universities. (2305 05/26/2009, 2355 03/22/2011)
   (n) Swimming pools with accessory structure. (2355 03/22/2011)
   (o) A non-profit charitable or civic organization clubhouse. (2355 03/22/2011)
   (p) Adult Day Care Center. (2355 03/22/2011)
   (q) Two-flat dwellings and two-family dwellings, except as provided in (2)(b), above. (2355 03/22/2011)
   (r) Side-by-side single family attached dwellings. [See §17.37(9)] (2355 03/22/2011)
   (s) Short-term rental dwelling. (2446 08/23/16)

(5) LOT SIZE REQUIREMENTS.
   (a) Minimum Lot Area: 8,500 square feet.
   (b) Minimum Lot Width: 75 feet.

(6) MINIMUM YARD DIMENSIONS.
   (a) Principal Building.
   1. Street - 25 feet, except as follows:
      a. A setback of less than twenty-five feet shall be allowed when a principal building on an adjacent lot exists within the setback. In that case, the setback line shall be established at the center of the property on the line drawn between the front inside corners (the corner nearest the street and nearest the property at issue) of the buildings on either side of the property. In the event that the property is a corner lot, the line shall be drawn from the front inside corner of the adjacent principal building to the corner setback of the property. In no event shall a calculation under this section require a setback greater than twenty-five feet. This section shall apply equally to new construction and to remodeling or additions to existing property. (2296 11/25/2008)
b. On corner lots less than seventy (70) feet wide and on record at the time of the passage of this chapter, where reversed frontage exists, the setback on the side street shall be not less than 50 percent (50%) of the setback required on the lot in the rear, and no accessory building shall project beyond the setback line of the lots in the rear, provided, further, that in no case shall the buildable width of such corner lot be reduced to less than twenty four (24) feet.

c. When any portion of a street platted or dedicated for street purposes is thereafter vacated or altered so as to narrow the street boundaries and where any of the frontage abutting said altered street is occupied with buildings prior to said alteration, the required setback for buildings constructed after the alteration of the street shall be measured from the old street line as it existed prior to such alteration.

2. Side Yard. A minimum of 8 feet on any one side, with a minimum total of 20 feet, provided, however, that on a single lot with a lot width of less than 66 feet and on record on December 1, 1970, the sum of the width of the side yards shall not be less than the equivalent of 3 inches per foot of lot width, and, provided further, that the buildable width of any such lot shall in no case be reduced to less than 24 feet, nor shall the width of any single side yard be less than 40% of the side yard width.

3. Rear Yard - 25 feet.
   (b) Accessory Building.
   1. Side Yard - 3 feet.
   2. Rear Yard - 10 feet, except that 3 feet shall be the minimum dimension abutting an alley.

(7) MAXIMUM LOT COVERAGE.
   (a) Principal Building: One Family: 27 percent (27%).
   (b) Accessory Building: One Family: 8 percent (8%).

(8) MAXIMUM BUILDING HEIGHT.

(a) Principal Building Height: One family three stories but not over 35 feet.
(b) Accessory Building Height: One story, but not over 15 feet.

17.21 R-2 TWO FAMILY RESIDENTIAL DISTRICT. (1652 01/15/92, 2250 04/10/07, 2446 08/23/16)

(1) PURPOSE. The R-2 One and Two Family Residential District is established to protect the integrity of the residential areas by prohibiting incursion of incompatible residential and nonresidential uses, to maintain compact residential development around the existing urban-residential areas, to locate this zone in areas without a severe soil limitation, and to locate only sewered residences of one (1) or two (2) families. This district is for low density residential use.

(2) PRINCIPAL PERMITTED USES.
   (a) Single family dwellings.
   (b) Two-Flat Dwellings and Two-Family dwellings. (2269 11/27/07)

(3) ACCESSORY USES.
   (a) Carports.
   (b) Detached private garages.
   (c) Essential services.

(4) CONDITIONAL USES.
   (a) Bed-and-breakfast establishments.
   (b) Cemeteries, crematoriums, and funeral homes.
   (c) Churches.
   (d) Clinics.
   (e) Colleges or universities.
   (f) Community Living Arrangements.
   (g) Gazebos.
   (h) Home occupations.
   (i) Hospitals and nursing homes.
   (j) Libraries.
   (k) Museums.
   (l) Nursery, elementary and secondary schools; whether public, private or parochial.
   (m) Parks or playgrounds.
   (n) Professional cattery (1809 04/18/95).
   (o) Professional home offices.
   (p) Satellite dish antennas.
   (q) Schools.
   (r) Swimming pools with accessory structure.
   (s) A non-profit charitable or civic organization clubhouse. (1910 07/8/97)
   (t) Adult Day Care Center. (1913 07/22/97)
   (u) Side-by-side single family attached dwellings. [See §17.37(9)] (2257 05/22/07)
   (v) Short-term rental dwelling. (2446 08/23/16)
(5) LOT SIZE REQUIREMENTS.
(a) Minimum Lot Area: 8,500 square feet.
(b) Minimum Lot Width: 75 feet.

(6) MINIMUM LOT DIMENSIONS.
(a) Principal Building.

1. Street – 25 feet, except as follows:
   a. A setback of less than twenty-five feet shall be allowed when a principal building on an adjacent lot exists within the setback. In that case, the setback line shall be established at the center of the property on the line drawn between the front inside corners (the corner nearest the street and nearest the property at issue) of the buildings on either side of the property. In the event that the property is a corner lot, the line shall be drawn from the front inside corner of the adjacent principal building to the corner setback of the property. In no event shall a calculation under this section require a setback greater than twenty-five feet. This section shall apply equally to new construction and to remodeling or additions to existing property. (2296 11/25/2008)

EXAMPLE:

2. Side Yard. A minimum of 8 feet on any one side, with a minimum total of 20 feet, provided, however, that on a single lot with a lot width of
less than 66 feet and on record on December 1, 1970, the sum of the width of the side yards shall not be less than the equivalent of 3 inches per foot of lot width, and, provided further, that the buildable width of any such lot shall in no case be reduced to less than 24 feet, nor shall the width of any single side yard be less than 40% of the side yard width. (1911 07/08/97).

3. Rear Yard - 25 feet.

(b) Accessory Building.
   1. Side Yard - 3 feet.
   2. Rear Yard - 10 feet, except that 3 feet shall be the minimum dimension abutting an alley.

(7) MAXIMUM LOT COVERAGE.
   (a) Principal Building: One or two family, 27 percent (27%).
   (b) Accessory Building: One or two family, 8 percent (8%).

(8) MAXIMUM BUILDING HEIGHT.
   (a) Principal Building Height: One or two family three stories but not over 35 feet.
   (b) Accessory Building Height: One story, but not over 15 feet.

17.22 R-3 THREE- AND FOUR- FAMILY RESIDENTIAL DISTRICT. (1652 09/14/92, 2250 04/10/07, 2446 08/23/16)

(1) PURPOSE. The R-3 One through Four Family Residential District is established to protect the integrity of the residential areas by prohibiting incursion of incompatible nonresidential uses, to maintain compact residential development around the existing urban-residential areas, to locate this zone in areas without a severe soil limitation for urban development with public sewers, and to locate residences of one through four families. This district is for medium-density residential use. It is appropriate to use this district as a transitional land use between low- and high-density residential districts, and residential and commercial districts.

(2) PRINCIPAL PERMITTED USES. One through four family dwellings subject to the requirements for certain multi-family residential real estate developments set forth in §17.51 of the Zoning Code. (1985 07/27/99)

(3) ACCESSORY USES.
   (a) Carports.
   (b) Detached private garages.
   (c) Essential services.

(4) CONDITIONAL USES.
   (a) Bed-and-breakfast establishments.
   (b) Cemeteries, crematoriums, and funeral homes.
   (c) Churches.
   (d) Clinics.
   (e) Colleges or universities.
   (f) Community centers.
   (g) Community Living Arrangements.
   (h) Gazebos.
   (i) Golf Courses
   (j) Home occupations.
   (k) Hospitals and nursing homes.
   (l) Libraries.
   (m) Licensed day care services for 9 to 20 children. (1880 08/13/96)
   (n) Museums.
   (o) Nursery, elementary and secondary schools, whether public, private or parochial.
   (p) Parks or playgrounds.
   (q) Professional home offices.
   (r) Redevelopment of a site to a 5 - 8 multi-family dwelling unit.
   (s) Satellite dish antennas.
   (t) Schools.
   (u) Swimming pools with accessory structure.
   (v) A non-profit charitable or civic organization clubhouse. (1910 07/08/97)
   (w) Adult Day Care Center. (1913 07/22/97)
   (x) Parking lot serving a permitted use on an adjoining property. (2087 07/23/02)
   (y) Side-by-Side single family attached dwellings. [See §17.37(9)] (2257 05/22/07)
   (z) Short-term rental dwelling. (2446 08/23/16)

(5) LOT SIZE REQUIREMENTS.
   (a) Minimum Lot Area: 8,500 square feet for one- and two-family homes, and 3,500 square feet per dwelling unit for three- and four-family homes. (2278 04/22/08)
   (b) Minimum Lot Width: 90 feet.

(6) MINIMUM YARD DIMENSIONS.
   (a) Principal Building:
      1. Street - 25 feet.
      2. Side Yard - 10 feet.
      3. Rear Yard - 25 feet.
   (b) Accessory Building:
      1. Side Yard - 3 feet.
      2. Rear Yard - 10 feet, except that 3 feet shall be the minimum dimension abutting an alley.
MAXIMUM LOT COVERAGE.
(a) Principal Building: 27 percent (27%).
(b) Accessory Building: 8 percent (8%).

MAXIMUM BUILDING HEIGHT.
(a) Principal Building Height:
Three stories but not over 35 feet.
(b) Accessory Building Height:
One story not over 20 feet.

SPECIAL ZONING EXCEPTION FOR 709 BROADWAY. A special zoning exception is hereby granted only for the existing residential building located on the property at 709 Broadway thereby allowing a portion of the existing residential building to be used for residential purposes and a portion to be used solely as an office for the Smith Oil Company. (2149 04/13/04)

17.23 R-4 FOUR-THROUGH TWELVE-FAMILY RESIDENTIAL DISTRICT. (1652 09/14/92, 1868 05/14/96, 1980 07/27/99, 2446 08/23/16)

PURPOSE. The R-4 Four through Twelve Family Residential District is established to provide for high-density residential areas by providing for higher dwelling-unit-per-acre development. This district is also provided to serve as a buffer between residential and commercial and/or light industrial land uses. This district should be located in areas without a severe soil limitation for urban development with public sewers, and to locate residential developments of four through twelve family residential dwelling units.

PRINCIPAL PERMITTED USES. Four through twelve multi-family dwelling units, subject to the requirements for certain multi-family residential real estate developments set forth in §17.51 of the Zoning Code. (1985 07/27/99)

ACCESSORY USES.
(a) Carports.
(b) Detached private garages.
(c) Essential services.

CONDITIONAL USES.
(a) Bed-and-breakfast establishments.
(b) Cemeteries, crematoriums, and funeral homes.
(c) Churches.
(d) Clinics.
(e) Colleges or universities.
(f) Community centers.
(g) Community Living Arrangements.
(h) Fraternities and sororities.
(i) Gazebos.
(j) Governmental buildings.
(k) Home occupations.
(l) Hospitals, nursing homes.
m) Libraries.
(n) Licensed day care services for 9 to 15 children.
o) Lodging houses.
p) Museums.
(q) Nursery, elementary and secondary schools, whether public, private or parochial.
r) Parks or playgrounds.
s) Professional home offices.
t) Redevelopment of a site to a 5 - 8 multi-family dwelling unit.
(u) Satellite dish antennas.
v) Schools.
w) Swimming pools with accessory structure.
x) A non-profit charitable or civic organization clubhouse. (1910 07/08/97)
y) Adult Day Care Center. (1913 07/22/97)
z) Short-term rental dwelling. (2446 08/23/16)

LOT SIZE REQUIREMENTS.
(a) Minimum Lot Area: 2,500 square feet per dwelling unit.
(b) Minimum Lot Width: 100 feet.

MINIMUM YARD DIMENSIONS.
(a) Principal Building:
1. Street 30 feet.
2. Side Yard - The total shall be the lesser of ½ the height or ½ the depth of the building, but in no case less than 20 feet.
3. Rear Yard - The distance shall be the lesser of ½ the height or ½ the width of the building, but in no case less than 25 feet.

(b) Accessory Building:
1. Side Yard - 3 feet.
2. Rear Yard - 10 feet, except that 3 feet shall be the minimum dimension abutting an alley.

MAXIMUM LOT COVERAGE.
(a) Principal Building: 40 percent (40%).
(b) Accessory Building: 10 percent (10%).
(c) The building’s lot coverage may not hinder the access and maneuverability of emergency vehicles, especially when parking areas are occupied.

MAXIMUM BUILDING HEIGHT.
(a) **Principal Building Height.** If the topography allows for appropriate emergency vehicle access and fire protection, the height limitation of two (2) stories not to exceed thirty-five (35) feet may be waived by the Plan Commission.

(b) **Accessory Building Height:** One story, but not over 20 feet.

(9) **SPECIAL ZONING EXCEPTION.** A special zoning exception is granted for Lots 44-51, inclusive, Second Addition to St. Clare Subdivision, designating the minimum yard dimensions for a principal building pursuant to sub. (6)(a), supra, to be 10 feet for each side yard setback. All other requirements of this section shall apply. (2283 05/27/08)

### 17.24 R-5 THIRTEEN-FAMILY AND UP RESIDENTIAL DISTRICT. (1652 09/14/92, 2446 08/23/16)

(1) **PURPOSE.** The R-5 Thirteen Family and Up Residential District is established to provide for high-density residential areas by providing for higher dwelling-unit per-acre development. This district is also provided to serve as a buffer between lower density residential and commercial and/or light industrial land uses. This district should be located in areas without a severe soil limitation for urban development with public sewers, and to locate residential building developments of thirteen or more residential dwelling units.

(2) **PRINCIPAL PERMITTED USES.** Thirteen or more multi-family residential dwelling units, subject to the requirements for certain multi-family residential real estate developments set forth in §17.51 of the Zoning Code. (1985 07/27/99)

(3) **ACCESSORY USES.**
   (a) Carports.
   (b) Detached private garages.
   (c) Essential services.

(4) **CONDITIONAL USES.**
   (a) Bed-and-breakfast establishments.
   (b) Cemeteries, crematoriums, and funeral homes.
   (c) Churches.
   (d) Clinics.
   (e) Colleges or universities.
   (f) Community centers.
   (g) Community Living Arrangements.
   (h) Fraternities and sororities.
   (i) Gazebos.
   (j) Governmental buildings.
   (k) Home occupations.
   (l) Hospitals, nursing homes.
   (m) Libraries.
   (n) Licensed day care services for 9 to 15 children.
   (o) Lodging houses.
   (p) Museums.
   (q) Nursery, elementary and secondary schools; whether public, private or parochial.
   (r) Parks or playgrounds.
   (s) Professional home offices.
   (t) Redevelopment of a site to a 5 - 8 multi-family dwelling unit.
   (u) Satellite dish antennas.
   (v) Schools.
   (w) Swimming pools with accessory structure.
   (x) A non-profit charitable or civic organization clubhouse. (1910 07/08/97)
   (y) Adult Day Care Center. (1913 07/22/97)
   (z) Short-term rental dwelling.

(5) **LOT SIZE REQUIREMENTS.**
   (a) **Minimum Lot Area:** 2,500 square feet per dwelling unit and a minimum lot area of one acre.
   (b) **Minimum Lot Width:** 200 feet.

(6) **MINIMUM YARD DIMENSIONS.**
   (a) **Principal Building:**
      1. Street - 20 feet.
      2. Side Yard - The total shall be the lesser of ½ the height or ½ the depth of the building, but in no case less than 20 feet.
      3. Rear Yard - The distance shall be the lesser of ½ the height or ½ the width of the building, but in no case less than 25 feet.
   (b) **Accessory Building:**
      1. Side Yard - 3 feet.
      2. Rear Yard - 10 feet, except that 3 feet shall be the minimum dimension abutting an alley.
   (c) **Buffer Strip.** Where an R-5 (thirteen and above) family residential district touches or abuts an R-1 (single family) or R-2 (one and two family) residential district boundary, there shall be provided along any rear, side or front line coincidental with or abutting any R-5 Residential District boundary, a buffer strip within the R-5 District of not less than forty (40) feet in width as measured at right angles to said lot line. Plant materials of such variety and growth habits as to provide a year round, effective visual screen when viewed from the R-1 and/or R-2 Residential District, may be planted in the buffer strip. If the
planting screen is set back from the boundary, the portion of the buffer strip facing the R-1 and/or R-2 Residential District shall be attractively maintained. Fencing may be used in lieu of planting materials to provide said screening providing that the fencing shall be of such materials as to effectively screen the R-5 Residential District. The buffer strip shall not be devoted to parking of motor vehicles, storage of any material, or accessory buildings or uses. No portion of the required buffer area may be used for storage of refuse or disposal equipment, such as dumpsters or garbage cans, nor can it be designated as a street or driveway, except to the extent that it is necessary to gain direct access to the R-5 Residential District from an abutting public streets. (1742 05/31/94)

(7) MAXIMUM LOT COVERAGE.
   (a) Principal Building: 40 percent (40%).
   (b) Accessory Building: 10 percent (10%).

(8) MAXIMUM BUILDING HEIGHT.
   (a) Principal Building Height: Three stories, but not over 35 feet. Variances may be given by the Plan Commission.
   (b) Accessory Building Height: One story, but not over 20 feet.


PURPOSE. This district is intended to permit high quality office and institutional land uses at an intensity comparable with the older portions of the City predominately developed with homes that are desirable to maintain, where traffic volumes and adjacent land uses dictate the transition of these areas to certain nonresidential uses. The desired neighborhood character of the development is attained through landscaping requirements and by restricting the maximum building size of all buildings within each instance of this District. A range of dwelling unit types may be allowed. Significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to adjacent residential development, no development within this district shall take direct access to a local residential street or a residential collector street. This district is used to provide for the permanent protection of an area that preserves the original residential appearance, yet permits office and institutional land uses, and that ensures that the neighborhood character is maintained as long as the NRO District designation is retained, regardless of how much development occurs within that area.

(1) PRINCIPAL PERMITTED USES.
   (a) Single Family Dwellings.
   (b) Two Family Dwellings.

(2) ACCESSORY USES.
   (a) Detached private garages.
   (b) Essential services.

(3) CONDITIONAL USES.
   (a) Office.
   (b) Personal and Professional Services.
   (c) Cultivation.
   (d) Selective Cutting.
   (e) Passive Outdoor Public Recreation.
   (f) Active Outdoor Public Recreation.
   (g) Indoor Institutional.
   (h) Public Services and Utilities.
   (i) Bed and Breakfast Establishments.
   (j) Funeral Homes.
   (k) Churches.
   (l) Clinics.
   (m) Colleges or Universities.
   (n) Community Living Arrangements.
   (o) Gazebos.
   (p) Home Occupations.
   (q) Hospitals and Nursing Homes.
   (r) Libraries.
   (s) Museums.
   (t) Nursery, Elementary, & Secondary Schools, whether public, private or parochial.
   (u) Parks or Playgrounds.
   (v) Professional Home Offices.
   (w) Satellite Dish Antennas.
   (x) Schools.
   (y) Swimming Pools with Accessory Structure.
   (aa) Non-Profit Charitable or Civic Organization Clubhouse.

(4) LOT SIZE REQUIREMENTS. Same as for one and two family residential district, except as provided in Subs. (8) below.

(5) MINIMUM YARD DIMENSIONS. Same as for one and two family residential district, except as provided in Subs. (8) below.

(6) MAXIMUM LOT COVERAGE. Same as for one and two family residential district.

(7) MAXIMUM BUILDING HEIGHT. Two stories.

(8) MINIMUM ARCHITECTURAL, LANDSCAPING, AND SITE REQUIREMENTS FOR OFFICE CONDITIONAL USES.
   (a) Landscaping Code requirements established for Other Land Uses
within a one- and two-family residential district shall apply.

(b) Maximum zoning district area: 2 acres.

(c) Maximum building size: 5,000 square feet (1 story), 10,000 square feet (2 story).

(d) No parking in required setbacks for principal building.

(e) Architectural requirements shall include:
   1. Foundation Plantings.
   2. Pitched Roof.
   3. 15% Window Coverings.
   5. Residential building appearance.

(f) Operation Hours shall be no earlier than 6 a.m., or later than 10 p.m.

(g) Off-Street Parking Requirements. Per code.

(h) Minimum Paved Surface Setback. Five feet from side and rear and ten feet from street.

(i) Maximum Building Coverage: 40% principal building and 10% accessory building.

(j) Minimum Lot Size: 9,000 square feet
   Minimum Lot Width: 90 feet

(k) Maximum Floor Area Ratio: 0.25

(l) Such other conditions established by the Plan Commission.

(9) Rezoning. All new Neighborhood Residential/Office Districts shall be established through the conditional rezoning process. Under this approach, the Neighborhood Residential/Office District shall not be vested until the approved project has been completed. The project shall provide a neighborhood oriented amenity per conditional use requirements established by the Plan Commission.

(10) Special Zoning Exception. A special zoning exception is granted for property located at 302 8th Street (Tax Parcel 206-2750) for the operation of a floral shop with an attached greenhouse, provided that the greenhouse is of permanent construction, is attached to the other structure on the property, and does not utilize lighting after sunset.

17.25 MHP MANUFACTURED HOME (TYPE 1) PARK DISTRICT. (1652 09/14/92, 1734 05/16/94)

(1) PURPOSE. To provide for a licensed Manufactured Home Park for the placement of Manufactured Homes (TYPE 1) as a conditional use. This district is designed for medium density residential use. All sites shall be connected to the City’s public sewer and water systems.

(2) PERMITTED USES. None.

(3) ACCESSORY USES.
   (a) Awnings.
   (b) Carports.
   (c) Detachable wooden decks not to exceed 170 square feet.
   (d) Entryways not to exceed 36 square feet unless added to a detachable wooden deck as described above.
   (e) Essential services.
   (f) Non-foundational storage sheds not to exceed 120 square feet.
   (g) Windbreaks.

(4) CONDITIONAL USES.
   (a) Licensed Manufactured Home Parks of not less than five (5) acres for placement of Manufactured Homes (TYPE 1) and that satisfy the requirements of Subsection (5) to (10) hereof and the requirements of this Chapter regarding the regulation and licensing of Manufactured Home Parks.
   (b) Licensed Day Care Home for nine or more persons.
   (c) Non-commercial community buildings for social gatherings, emergency shelters laundry or similar common usage for the entire district.

(5) LOT SIZE REQUIREMENTS.
   (a) Minimum Lot Area: 5,000 square feet.
   (b) Minimum Lot Width: 50 feet.

(6) MINIMUM YARD DIMENSIONS.
   (a) Principal Building.
      1. Minimum 10 feet setback from private streets.
      2. Minimum 25 feet setback from public streets.
      3. Minimum 40 feet at all front, side and rear lot lines from any district boundary.
      4. Minimum 10 feet from side yard.
      5. Minimum 25 feet from rear yard.

   (b) Accessory Building.
      1. Minimum 10 feet setback from private streets.
      2. Minimum 25 feet setback from public streets.
3. Minimum 40 feet at all front, side and rear lot lines from any district boundary.
4. Minimum 5 feet from side yard.
5. Minimum 10 feet from rear yard.

(7) MAXIMUM DENSITY. Six (6) units per gross acre.

(8) MAXIMUM BUILDING HEIGHT.
(a) Principal Building Height: 15 feet.
(b) Accessory Building Height: 10 feet.

(9) MAXIMUM LOT COVERAGE. 45 percent (45%).

(10) OTHER REQUIREMENTS.
(a) Minimum Habitable Floor Area: 864 square feet.
(b) Minimum Width of Manufactured Home: 14 feet.
(c) Maximum Allowed Age of Manufactured Home: Ten years at time of placement.
(d) Number of Tiedowns Required for Manufactured Home: Six factory installed hurricane straps or one tiedown per side every 15 feet if installed on-site.
(e) On-Street Parking Required: Yes.
(f) Number of Off-Street Parking Spaces per Lot: Two.
(g) Minimum Width of Paved Streets: 36 feet.
(h) Curb and Gutter Required: Curb and gutter will be installed only as necessary as part of the drainage plan, otherwise not required.
(i) Sidewalk Required: Yes, one side with a 4-foot tree bank between paved street and sidewalk.
(j) Minimum Sidewalk Width: Four feet.
(k) Street Lighting Required: Yes.
(l) Minimum Street Right-of-Way: 44 feet.
(m) Minimum Buffer Area between Park and Adjoining Districts: 25 feet.
(n) Storm Shelter Required: No.
(o) Percent of Area for Playground: 10 percent (10%).
(p) Home Numbering Required: Yes.
(q) City Sewer Required: Yes.
(r) City Water Required: Yes.
(s) Minimum Spacing Between Fire Hydrants: 500 ft.
(t) Garbage Collection Provided by Operator: Yes.
(u) Approved Drainage Plan Required: Yes.
(v) Approved Planting and Landscaping Plan Required: Yes.

17.26 MH MANUFACTURED HOME (TYPE 1) SINGLE FAMILY RESIDENTIAL DISTRICT. (1735 05/17/94)

(1) PURPOSE. The MH Manufactured Home (TYPE 1) Single family Residential District is established to protect the integrity of the residential areas by prohibiting incursion of incompatible residential and non-residential uses, to maintain compact residential development around the existing urban-residential areas, to locate this zone in areas without a severe soil limitation, to allow TYPE 1 Manufactured Homes that meet this chapter's definition of a dwelling, and to locate only sewered one-family residences. Parcels of land in this District shall be platted for subdivision development in accordance with Chapter 18 of this Code with a design and intention of lots being conveyed by deed to individual owners for residential occupancy primarily for TYPE 1 Manufactured Homes.

(2) PRINCIPAL PERMITTED USES. Single family manufactured home (Type 1) dwelling unit, Single family dwelling unit satisfying the requirements of the Uniform Dwelling Code (Chapter 14), or Single family dwelling unit satisfying the building code requirements for Type II Manufactured Homes. (2156 06/22/04)

(3) ACCESSORY USES. Essential services.

(4) CONDITIONAL USES.
(a) Churches.
(b) Community living arrangements.
(c) Gazebos.
(d) Nursery, elementary and secondary schools, whether public, private or parochial.
(e) Parks or playgrounds.
(f) Satellite dish antennas.
(g) Swimming pools with accessory structure.

(5) LOT SIZE REQUIREMENTS.
(a) Minimum lot area: 8,000 square feet.
(b) Minimum lot width: 75 feet.

(6) MINIMUM YARD DIMENSIONS.
(a) Principal Building:
1. Street - 25 feet.
2. Side yard - minimum 8 feet on any one side, minimum total of 20 feet.
3. Rear yard - 25 feet.

(b) Accessory Building:
1. Side yard - 6 feet.
2. Rear yard - 10 feet.
(7) **MAXIMUM LOT COVERAGE.**
   (a) **Principal Building:**
       1. Single family dwelling: 25 percent (25%).
       2. Accessory building: 8 percent (8%).

(8) **MAXIMUM BUILDING HEIGHT.**
   (a) **Principal Building Height:** 3 stories, but not over 35 feet.
   (b) **Accessory Building Height:** 1 story, but not over 15 feet.

17.27 **B-1 CENTRAL BUSINESS DISTRICT.** (1652)
(09/14/92; 2405 12/10/13)

(1) **PURPOSE.** The B-1 Central Business District is established to provide for sewered commercial activities only and to delineate areas appropriate for commercial uses which are oriented toward the Central Business District.

(2) **PRINCIPAL PERMITTED USES.**
   (a) Advertising services.
   (b) Antique and collector stores.
   (c) Appliance stores.
   (d) Automotive parts stores.
   (e) Bar or cocktail lounges.
   (f) Bakeries.
   (g) Banks, savings and loan associations and other financial institutions.
   (h) Beauty shops.
   (i) Bicycle shops, sales and repair.
   (j) Barber shops.
   (k) Book and stationery stores.
   (l) Bowling alleys.
   (m) Building maintenance services.
   (n) Business offices and services.
   (o) Civic, social and fraternal association houses or lodges.
   (p) Clinics.
   (q) Clothing stores.
   (r) Clubs or lodges.
   (s) Community centers.
   (t) Confectioneries.
   (u) Convenience stores without gasoline. *(This Section sunsets on 12/09/2013 or upon adoption of Smart Growth Zoning changes, whichever occurs first.) (2132 12/09/03)*
   (v) Copy shops.
   (w) Credit reporting and collection.
   (x) Dance halls.
   (y) Delicatessens.
   (z) Department stores.
   (aa) Drug stores.
   (ab) Dry goods and variety stores.
   (ac) Eating and drinking places (TYPE 1 and TYPE 2, see Definition Section).
   (ad) **Electrical supply and repair shops.**
   (ae) Fabrics, sewing, needlework stores.

   (af) Financial institutions.
   (ag) Fish markets.
   (ah) Florists.
   (ai) Food stores.
   (aj) Fruit stores.
   (ak) Furniture stores.
   (al) Furriers and fur apparel stores.
   (am) Gift shops.
   (an) Governmental offices.
   (ao) Grocery stores.
   (ap) Hardware stores.
   (aq) Hobby shops.
   (ar) Home furnishing stores.
   (as) Hotels or motels.
   (at) Household appliance stores.
   (au) Janitorial supply stores.
   (av) Jewelry stores.
   (aw) Laundry or dry cleaning facilities.
   (ax) Leather goods stores.
   (ay) Libraries.
   (az) Locksmiths.

   (ba) **Meat markets.**
   (bb) Museums.
   (bc) Music stores.
   (bd) Newspaper offices and press rooms.
   (be) Nightclubs.
   (bf) Office equipment and supply stores.
   (bg) Optical stores.
   (bh) Package liquor stores.
   (bi) Paint, glass, and wallpaper stores.
   (bj) Parking lots, off-street.
   (bk) Pawn shops.
   (bl) Photographic equipment and supply stores.
   (bm) Photographic studios.
   (bn) Physical fitness facilities.
   (bo) Places of worship.
   (bp) Plumbing, fixtures, and supply stores.
   (bq) Pool halls.
   (br) Professional offices.
   (bs) Public administration facilities.
   (bt) Radio or television repair shops.
   (bu) Real estate offices.
   (bv) Residential units over B-1 businesses.
   (bw) Restaurants.
   (bx) Schools: professional, business or technical.
   (by) Shoe repair shops.
   (bz) Shoe sales.
   (ca) Shopping centers.
   (cb) Soda fountains.
   (cc) Specialty Shops.
   (cd) Sporting or athletic goods.
   (ce) Stationary stores.
   (cf) Supermarkets.
   (cg) Tailors or dressmakers.
   (ch) Tanning salons.
   (ci) Taverns.
   (cj) Theaters.
   (ck) Tobacco shops.
   (cl) Travel agencies.
(cm) Used merchandise stores.
(cn) U.S. Post Offices.
(co) Variety stores.
(cp) Video rental stores.

(3) ACCESSORY USES.
(a) Essential services.
(b) Parking garages or parking areas.

(4) CONDITIONAL USES
(a) Car wash establishments.
(b) Catering shops.
(c) Colleges or universities.
(d) Community centers.
(e) Dry cleaning stores.
(f) Dwelling for up to two families on the first floor provided that: (1) there is an existing building which was originally designed for residential use; and (2) the building is located only in the following areas in the City of Baraboo, formerly Adams:
1. Block fourteen, Lots 7 through 12, (1722 03/01/94)
2. Block twenty-two, Lots 2 through 4, (1722 03/01/94)
3. Block twenty-eight, Lots 3 through 8, (1722 03/01/94)
4. Block twenty-five, Lots 5 through 8, (1722 03/01/94)
5. Block thirty-six, Lots 5 through 9, (1722 03/01/94)
6. The west sixty feet of Lot 5, Block 21 (227 Fifth Avenue) (1831 09/12/95)

(g) Funeral homes.
(h) Group development. (1983 07/27/99)
(i) Manufacturing and processing (in enclosed buildings) of jewelry, musical instruments, photo-graphic printing, lithography, typesetting, and crafts.
(j) Public garages.
(k) Public passenger transportation terminals, except airports.
(l) Service stations.
(m) Tourism oriented, on-site manufacturing businesses (such as cheese, candy, glass, and gifts).
(n) Waste transfer stations.
(o) Wholesale establishments.
(p) Residential dwelling units on the first floor of an existing building located within an area bounded by the Baraboo River on the north, Lynn Street on the south, Walnut Street on the west, and the alley to the east of Walnut Street on the east provided that there shall be a minimum of two off-street parking spaces per dwelling unit located on the same property where the building is located and the spaces shall be constructed to meet the off-street parking requirements of the Baraboo Code. (1743 05/3/94).
(q) Reserved. (1819 06/27/95, 2182 02/22/05, 2250 04/10/07)
(r) Any business or industry involving the above ground bulk storage of liquid petroleum or propane gas for on site use, or for sale or delivery. (1921 10/28/97)
(s) A storage building that serves an existing permitted use. (2023 08/22/2000)
(t) Gas Stations (2046 01/09/2001)
(u) All metal clad or cinder block buildings, new or additions, constructed after January 1, 2004. (2059 06/26/01, 2132 12/09/03, 2250 04/10/07)
(v) All uses, whether permitted or conditional, shall be considered conditional uses with the overlay zoning district as established in §17.36C of this Code of Ordinances. (2252 04/10/07)
(w) Day care centers. (2202 08/23/05)
1. Eating and drinking places, Type I and Type II, see (See §17.08 for Definition)
2. Hotels or motels
3. Laundry or dry cleaning facilities
4. Nightclubs
5. Pawnshops
6. Places of worship
7. Pool halls
8. Schools: professional, business, or technical
9. Taverns
10. Theaters
11. Video rental stores

(5) LOT SIZE REQUIREMENTS. None.

(6) MINIMUM YARD DIMENSIONS.
(a) Principal Building:
1. Street - None.
2. Side Yard - None.
3. Rear Yard - None.
(b) Accessory Building:
1. Street - None.
2. Side and Rear Yards - None.

(7) MAXIMUM BUILDING HEIGHT.
(a) Principal Building Height: 60', except 45' where adjacent to a Residential District.
(b) Accessory Building Height: two stories, but not over 15 feet where adjacent to a Residential District.
SPECIAL ZONING EXCEPTION FOR SAUK COUNTY’S TELECOMMUNICATIONS TOWER. A special zoning exception is hereby granted to the County of Sauk, Wisconsin, for the replacement of the existing telecommunications tower on the roof of the Sauk County Courthouse Annex at 501 Broadway upon the following terms and conditions: (2150 04/13/04) (NOTE: See Ordinance 2150 for specific findings.)

(a) The replacement tower shall be of the same approximate size, height, and style as the existing tower.
(b) Sauk County may license or lease a space on the tower to a private or quasi-public telecommunications carrier for the installation of a telecommunications antenna on the tower.
(c) Sauk County may license or lease a portion of the tower to the Baraboo Ambulance District for the installation of a telecommunications antenna.
(d) Except as provided in Subs. (b) and (c), no other outside person, firm, corporation or other entity, other than the County of Sauk, shall be allowed to install any additional antennas on the tower without the express authorization of the City of Baraboo.
(e) The communications tower shall be constructed and installed in compliance with all applicable state and national codes.

17.28 B-2 NEIGHBORHOOD BUSINESS DISTRICT.

(1) PURPOSE. The B-2 Neighborhood Business District is established to provide for sewered commercial activities having minimal visual and physical impacts on neighboring residences. These impacts include off-street parking, traffic flow and hazards, odors, hours of operation, and quality of life.

(2) PRINCIPAL PERMITTED USES.
(a) Bed and Breakfast establishments.
(b) Cemeteries, crematoriums, and funeral homes.
(c) Churches.
(d) Colleges or universities.
(e) Community living arrangements.
(f) Dry cleaning establishments.
(g) Eating establishments (TYPE 1).
(h) Florists.
(i) Funeral homes.
(j) Hospitals, nursing homes.
(k) Libraries.
(l) Museums.
(m) Neighborhood community centers.
(n) Nursery, elementary and secondary schools, whether public, private or parochial.
(o) Parks or playgrounds.
(p) Professional Offices.
(q) Residential units above B-2 businesses.
(r) Clinics.
(s) Beauty shops, barber shops and accessory uses such as manicuring and tanning beds.
(t) Tanning salons.
(u) Paint, glass, wallpaper stores.
(v) Electrical supply and repair shops.
(w) Automobile sales/service establishments.
(x) Cabinet shops.
(y) Glass shops.
(z) Travel Agencies.
(aa) Bakeries.
(ab) Bicycle shops (sales and repairs).
(ac) Gift shops.
(ad) Hobby shops.
(af) Photographic equipment/supply stores.
(ag) Boat sales.
(ah) Plumbing, fixture and supply stores, not including outdoor storage.
(ai) Trailer sales/rental establishment, not including manufactured homes.
(aj) Business offices and services.
(ak) Photographic studios.
(al) Real estate offices.
(3) ACCESSORY USES.
(a) Essential services.
(b) Gazebos.
(c) Parking areas directly related to the business.
(d) Satellite dish antennas.
(e) Swimming pools with accessory structure.

(4) CONDITIONAL USES.
(a) Club houses or lodges.
(b) Commercial greenhouses.
(c) Copy shop.
(d) Gift shops.
(e) Group development. (1983 07/27/99)
(f) Home occupations.
(g) Laundromats.
(h) Locksmiths.
(i) Professional offices.
(j) Shoe repair shops.
(k) Tailors and dressmakers.
(l) Convenience stores.
(m) Eating establishments - TYPE 1 with drive-thru and/or pickup services.
(n) Credit agencies.
(o) Credit reporting and collection establishments.
(p) Financial institutions.
(q) Public administration facilities.
(r) Tax return preparation establishments.
(s) U.S. Postal Offices.
(t) Antique and collector stores.
(u) Automotive part stores.
(v) Janitorial supplies.
(w) Locksmiths.
(x) Music stores.
(y) Office equipment and supply stores.
(z) Radio/TV repair shops.
(aa) Sporting and athletic good stores.
(ab) Video rental stores.
(ac) Optical stores.
(ad) Delicatessens.
(ae) Civic, social and fraternal associations.
(af) Schools (professional, business, technical).
(ag) Reserved.
(ah) Any business or industry involving the above ground bulk storage of liquid petroleum or propane gas for on site use, or for sale or delivery. (1921 10/28/97)

(5) LOT SIZE REQUIREMENTS. None.

(6) MINIMUM YARD DIMENSIONS.

(a) Principal Building:
1. Street - 25 feet.
2. Side Yard - the total shall be the lesser of ½ the height or ½ the depth of the building, but in no case less than 20 feet.
3. Rear Yard - the distance shall be the lesser of ½ the height or ½ the width of the building, but in no case less than 25 feet.

(b) Accessory Building:
1. Street - 25 feet.
2. Side Yard - 10 feet where adjacent to a Residential Zoning District, otherwise 3 feet.
3. Rear Yard - 10 feet where adjacent to a Residential Zoning District, otherwise 3 feet.

(7) MAXIMUM LOT COVERAGE.
(a) Principal Building: 40 percent (40%).
(b) Accessory Building: 10 percent (10%).

(8) MAXIMUM BUILDING HEIGHT.

(a) Principal Building Height: Three stories, but not over 35 feet.
(b) Accessory Building Height: One story, not over 15 feet.

17.29 B-3 HIGHWAY-ORIENTED BUSINESS DISTRICT. (2376 04/10/2012)

(1) PURPOSE. The B-3 Highway-Oriented Business District is established to provide for sewered commercial activities oriented toward regional markets requiring highway exposure to the highway user or intended to service vehicles. The commercial activities require large lots for the buildings, off-street parking and future expansion. The location of B-3 districts shall be in areas without a severe soil limitation.

(2) PRINCIPAL PERMITTED USES.
(a) Advertising services.
(b) Air conditioning, refrigerated equipment, and supplies not including outdoor storage.
(c) Antique and collector stores.
(d) Athletic clubs.
(e) Appliance stores.
(f) Automobile sales and service establishments.
(g) Automotive parts stores.
(h) Bar or cocktail lounges.
(i) Bakeries.
(j) Banks, savings and loan associations and other financial institutions.
(k) Beauty shops.
(l) Beer, wine, and distilled alcoholic beverages.
(m) Bicycle shops, sales and repair.
(n) Barber shops.
(o) Boat sales or rental establishments.
(p) Book and stationery stores.
(q) Bowling alleys.
(r) Building maintenance services.
(s) Bus depots.
(t) Business offices and services.
(u) Car washes.
(v) Catering shops.
(w) Civic, social and fraternal association houses or lodges.
(x) Clinics.
(y) Clothing stores.
(z) Clubs or lodges.
(aa) Commercial and industrial machinery, equipment, and supplies not including outdoor storage.
(ab) Community centers.
(ac) Confectioneries.
(ad) Convenience stores.
(ae) Copy shops.
(af) Credit reporting and collection.
(ag) Dance halls.
(ah) Delicatessens.
(ai) Department stores.
(aj) Drug stores.
(ak) Dry goods and variety stores.
(al) Eating and drinking establishments (TYPE 1 and TYPE 2, See §17.08).
(am) Electrical supply and repair shops.
(an) Equipment rental establishments.
(ao) Fabrics, sewing, needlework stores.
(ap) Farm equipment, machinery sales and service establishments.
(aq) Financial institutions.
(ar) Fish markets.
(as) Flea markets.
(at) Florists.
(au) Food storage lockers.
(av) Food stores.
(aw) Fruit stores.
(ax) Funeral homes.
(ay) Furniture stores.
(az) Furriers and fur apparel stores.
(ba) Gas stations.
(bb) Gift shops.
(bc) Golf courses.
(bd) Governmental offices.
(be) Green houses.
(bf) Grocery stores.
(bg) Hardware stores.
(bh) Hobby shops.
(bi) Home furnishing stores.
(bj) Hospitals.
(bl) Hotels or motels.
(bl) Household appliance stores.
(bm) Janitorial supply stores.
(bn) Jewelry stores.
(bu) Laundry or dry cleaning facilities.
(bp) Leather goods stores.
(bq) Libraries.
(br) Locksmiths.
(bs) Lumber and other building supply stores.
(bt) Meat and meat product manufacturers; not including slaughtering or outdoor confinement facilities.
(bu) Meat markets.
(bv) Motorcycle dealers.
(bw) Museums.
(bx) Music stores.
(by) Newspaper offices and press rooms.
(bz) Nightclubs.
(ca) Office equipment and supply stores.
(cb) Optical stores.
(cc) Outdoor theaters.
(cd) Package liquor stores.
(ce) Paint, glass, and wallpaper stores.
(cf) Parking lots, off-street.
(cg) Pawn shops.
(ch) Photographic equipment and supply stores.
(ci) Photographic studios.
(cj) Physical fitness facilities.
(ck) Places of worship.
(cl) Plumbing, fixtures, and supply stores.
(cm) Pool halls.
(cn) Professional offices.
(co) Public administration facilities.
(cp) Public garages.
(cq) Radio and television stations including their towers.
(cr) Radio or television repair shops.
(cs) Real estate offices.
(ct) Recreation and utility trailer dealers.
(cu) Regional retail stores.
(cv) Restaurants.
(cw) Schools: professional, business or technical.
(cx) Service stations.
(cx1) Sexually oriented business as defined in §12.15.
(cy) Reserved for future use. (2247 02/13/2007)

(cz) Shoe repair shops.
(da) Shoe sales.
(db) Shopping centers.
(dc) Soda fountains.
(dd) Specialty shops.
(de) Sporting or athletic good stores.
(df) Stationary stores.
(dg) Supermarkets.
(dh) Tailors or dressmakers.
(di) Tanning salons.
(dj) Taverns.
(dk) Telephone offices.
(dl) Theaters.
(dm) Tobacco shops.
(dn) Trailer sales or rental establishments.
(do) Travel agencies.
(dp) Used merchandise stores.
(dq) U.S. Post Offices.
(dr) Variety stores.
(ds) Video rental stores.

(3) ACCESSORY USES.
(a) Essential services.
(b) Parking areas directly related to the business.

(4) CONDITIONAL USES. All uses, whether permitted or conditional, shall be considered conditional uses with the overlay zoning district as established in §17.36C of this Code of Ordinances. (2132 12/09/03, 2252 04/10/07, 2376 04/10/2012, 2445 08/23/16)
(a) Apartment hotels.
(b) Colleges or universities.
(c) Group development. (1983 07/27/99)
(d) Public passenger transportation terminals, except airports and bus depots.
(e) Small Animal Veterinary Clinics. Provided such use shall not include on-site large animal work, or have outside animal runs, or have overnight boarding of animals except for medical reasons. (1804 04/11/95) See also § 17.08.
(h) Any business or industry involving the above ground bulk storage of liquid petroleum or propane gas for on site use, or for sale or delivery. (1921 10/28/97)
(i) All metal clad or cinder block buildings, new or additions, constructed after January 1, 2004. (1996 01/12/2000, 2013 05/09/2000, 2132 12/09/03, 2250 04/10/07) (This Section sunsets on 12/09/2013 or upon adoption of Smart Growth Zoning changes, whichever occurs first.)
(j) An overlay zoning district located within the following boundaries is hereby created: (2132 12/09/03) (This Section sunsets on 12/09/2013 or upon adoption of Smart Growth Zoning changes, whichever occurs first.)
Properties south of the Baraboo River and westerly of a line described as follows:

Beginning at a point at the intersection of the centerline of the Baraboo River and the West line of the SE¼ of the SE¼ of Section 34, Town 12N, Range 6E, Sauk County, Wisconsin; thence South along said ¼ ¼ line to the Southwest corner of City of Baraboo Tax Parcel No. 206-0039-44030; thence Easterly along the South line of said Tax Parcel to the extended Easterly line of City of Baraboo Tax Parcel No. 206-0039-44020; thence South along said extended line of said parcel to the centerline of Carpenter Street; thence West along said centerline to the East right-of-way line of Industrial Court; thence South along said right-of-way line to the centerline of Sauk Avenue; thence East along said centerline to the centerline of Moore Street; thence South along said centerline to the centerline of Sauk Avenue; thence East along said centerline to the centerline of Hitchcock Street; thence South along said centerline to the centerline of South Boulevard; thence Easterly along said centerline to the centerline of Waldo Street; thence South along said centerline to the North line of the SW¼ of Section 2, Town 11N, Range 6E, Sauk County, Wisconsin; thence West along said line to the West line of the SW¼ of said Section 2; thence South along said line and all Sections to the South within the City. (A map showing the boundaries of this overlay district is on file in the City Engineer’s office and is incorporated by reference.)

The following uses in this overlay district shall be treated as a conditional use whenever such use is newly constructed or whenever proposed exterior renovations or additions to existing buildings or premises, excluding routine maintenance, exceeds $10,000 in value in a calendar year:

1. Automobile sales and service establishments
2. Automotive parts stores
3. Bar or cocktail lounges
4. Beer, wine, and distilled alcoholic beverages
5. Bicycle shops, sales and repair
6. Boat sales or rental establishments
7. Bowling alleys
8. Carwashes
9. Civic, social, and fraternal association houses or lodges
10. Clubs or lodges
11. Community centers
12. Dancehalls
13. Eating and drinking establishments, Type I and Type II, (See §17.08 for Definition)
14. Equipment rental establishments
15. Farm equipment, machinery sales and service establishments
16. Flea markets
17. Gas stations
18. Hotels or motels
19. Lumber and other building supply stores
20. Museums
21. Nightclubs
22. Outdoor theaters
23. Package liquor stores
24. Pawn shops
25. Places of worship
26. Pool halls
27. Public garages
28. Recreation and utility trailer dealers
29. Restaurants
30. Service stations
31. Self-storage rental sheds
32. Taverns
33. Theaters
34. Tobacco shops
35. Trailer sales or rental establishments
36. Video rental stores

(5) LOT SIZE REQUIREMENTS. None.

(6) MINIMUM YARD DIMENSIONS.

(a) Principal Building:

1. Street – 25 feet. – Except whenever Wisconsin Department of Transportation Administrative Code Trans 233 applies to a land division within the City, the Common Council shall be authorized to establish the same setback area for City zoning purposes as the setback area approved by the Wisconsin Department of Transportation, where, in the judgment of the Common Council, after report and recommendation by the Plan Commission, the setback
established by the State DOT will not be contrary to the public interest and where such allowed setback is in harmony with the general purposes and intent of the City's Zoning Code. Any setback allowed by the Council under this section may be subject to such conditions and restrictions as determined by the Council to be in the public interest. The plat or map shall clearly show the boundary of the setback line. (2017 06/27/2000)

2. Side Yard - 10 feet where adjacent to a Residential or Agricultural District; other Districts, none.

3. Rear Yard - 25 feet where adjacent to a Residential or Agricultural District only which may include alley width; other Districts, none.

(b) Accessory Building:

1. Street – 25 feet. – Except whenever Wisconsin Department of Transportation Administrative Code Trans 233 applies to a land division within the City, the Common Council shall be authorized to establish the same setback area for City zoning purposes as the setback area approved by the Wisconsin Department of Transportation, where, in the judgment of the Common Council, after report and recommendation by the Plan Commission, the setback established by the State DOT will not be contrary to the public interest and where such allowed setback is in harmony with the general purposes and intent of the City's Zoning Code. Any setback allowed by the Council under this section may be subject to such conditions and restrictions as determined by the Council to be in the public interest. The plat or map shall clearly show the boundary of the setback line. (2017 06/27/2000)

2. Side and Rear Yards -10 where adjacent to a Residential or Agricultural District; other districts, none.

(7) MAXIMUM LOT COVERAGE. None.

(8) MAXIMUM BUILDING HEIGHT.

(a) Principal Building Height: 45 feet.

(b) Accessory Building Height: two stories, but not over 15 feet.

17.30 I-1 INDUSTRIAL DISTRICT, ENCLOSED STORAGE. (1652 09/14/95)

(1) PURPOSE. The I-1 Industrial District, enclosed storage, is established to delineate areas to be used for industrial development and to delineate areas to be used for enclosed storage.

(2) PRINCIPAL USES.

(a) Assembly of previously prepared material establishments.
(b) Blacksmith or machine shops.
(c) Laboratories.
(d) Manufacturing, processing, repairing or warehouse uses.
(e) Wholesale establishments.

(3) ACCESSORY USES.

(a) Dock facilities.
(b) Essential services.
(c) Garage storage of vehicles used in conjunction with the operation of a permitted use.
(d) Rail tracks and spur lines.
(e) Security facilities.
(f) Service buildings normally accessory to the permitted use.

(4) CONDITIONAL USES. All uses, whether permitted or conditional, shall be considered conditional uses with the overlay zoning district as established in §17.36C of this Code of Ordinances. (2237 09/26/06, 2252 04/10/07)

(a) Any development within one thousand five hundred (1,500) feet of the existing or proposed interchange or turning lane rights of way of an existing or proposed freeway or expressway.
(b) Animal hospitals and kennels with a 100-foot buffer zone to any other district.
(c) Community centers.
(d) Governmental buildings.
(e) Group development. (1983 07/27/99)
(f) Libraries.
(g) Museums.
(h) Penal and correctional institutions.
(i) Public passenger transportation terminals, except airports.
(j) Retail business directly related to the primary permitted industrial use. The retail space can be two percent (2%) total gross floor area but shall not exceed one thousand (1,000) square feet.
(k) Travel agencies.
(k) Any business or industry involving the above ground bulk storage of liquid petroleum or propane gas for on-site use, or for sale or delivery. (1921 10/28/97)

(l) All permitted uses located within the following area shall be zoned as conditional uses: (2059 06/26/2001)
1. Broadway/South Boulevard on the west,
2. The east line of Rosaline Street extended on the east,
3. The south line of 1st Avenue and 1st Street extended on the north, and
4. Lynn Street on the south.

(m) Automobile service and repair facilities. (2237 09/26/2006)

(n) Communications towers. [See §17.38(7)] (2260 06/12/07)

5) PROHIBITED USES.
(a) Any use which does not comply with the Performance Standards specified in this chapter.
(b) Any use not specifically designated a permitted or conditional use.

6) ENCLOSURE REQUIREMENTS. All uses, including storage, shall be entirely within enclosed buildings, except as outdoor storage may be permitted by a conditional use permit a set forth in §17.37(2)(f), Ordinances. (2243 11/28/2006)

7) LOT SIZE REQUIREMENTS.
(a) Minimum Lot Area: 7,500 square feet.
(b) Minimum Lot Width: none.

8) MINIMUM YARD DIMENSIONS.
(a) Principal Building:
1. Street - 25 feet.
2. Side and Rear Yards, 10 feet, excluding rail track or public alley, except where adjacent to a Residential District, in which case the yard shall not be less than 25 feet excluding rail tracks, public alley or street width.

9) MAXIMUM BUILDING HEIGHT REQUIREMENTS.
(a) Principal Building Height: None.
(b) Accessory Building Height: None.

17.31 I-2 INDUSTRIAL DISTRICT. (1652 09/14/92, 22524/10/2007)

1) PURPOSE. The I-2 Industrial District is established to delineate areas to be used for industrial development of the uses prescribed. (2243 11/28/2006)

2) PRINCIPAL PERMITTED USES.
(a) Assembly of previously prepared material establishments.
(b) Blacksmith or machine shops.
(c) Laboratories.
(d) Manufacturing, processing, repairing or warehouse uses.
(e) Wholesale establishments.

3) ACCESSORY USES.
(a) Dock facilities.
(b) Essential services.
(c) Garage storage of vehicles used in conjunction with the operation of a permitted use.
(d) Rail tracks and spur lines.
(e) Security facilities.
(f) Service buildings normally accessory to the permitted use.

4) CONDITIONAL USES. All uses, whether permitted or conditional, shall be considered conditional uses with the overlay zoning district as established in §17.36C of this Code of Ordinances. (2252 04/10/07)
(a) All uses, whether permitted or conditional shall be considered conditional uses with the overlay zoning district as established in Section 17.36C of this Code of Ordinances.
(b) Community centers.
(c) Governmental buildings
(d) Group development. (1983 07/27/99)
(e) Libraries.
(f) Museums.
(g) Penal and correctional institutions.
(h) Salvage yards.
(i) Any business or industry involving the above ground bulk storage of liquid petroleum or propane gas for on-site use or for sale or delivery. (1921 10/28/97)
(j) All metal clad or cinder block buildings, new or additions, constructed after January 1, 2004. (2132 12/09/03, 2250 04/10/07, 2252 04/10/07)
(k) Reserved. (2252 04/10/07)
(l) Communications towers [See §17.38(7)] (2260 06/12/07)

5) PROHIBITED USES.
(a) Any use which does not comply with the Performance Standards specified in this Chapter.
(b) Any use not specifically designated a permitted or conditional use.

(6) ENCLOSURE REQUIREMENTS. All uses, including storage, shall be entirely within the enclosed buildings, except as outdoor storage may be permitted by a conditional use permit as set forth in §17.37(5)(a1), Ordinances. (2243 11/28/2006)

(7) LOT SIZE REQUIREMENTS.
(a) Minimum Lot Area: 7,500 square feet.
(b) Minimum Lot Width: None.

(8) MINIMUM YARD DIMENSIONS.
(a) Principal Building.
   1. Street - 25 feet.
   2. Side and Rear Yards. 10 feet, excluding rail track or public alley, except where adjacent to a Residential District, in which case the yard shall not be less than 25 feet excluding rail tracks, public alley or street width.

(9) MAXIMUM LOT COVERAGE. None.

(10) MAXIMUM BUILDING HEIGHT REQUIREMENTS.
(a) Principal Building Height: None.
(b) Accessory Building Height: None.

17.32 I-3 INDUSTRIAL/BUSINESS DISTRICT.
(1772 10/25/94, 2445 8/23/16)

(1) PURPOSE. The I-3 Industrial/Business District is established to delineate those areas to be used for contemporary, professional and office like settings and contemporary industrial development, including light manufacturing, warehousing and other similar industrial uses.

(2) PRINCIPAL PERMITTED USES.
(a) Offices, Business and Professional uses, including:
   1. Accounting,
   2. Auditing,
   3. Bookkeeping offices,
   4. Advertising offices,
   5. Banks and financial institutions,
   6. Business associates,
   7. Business and management consultant offices,
   8. Chiropractic offices,
   9. Contractors' offices,
   10. Dental offices,
   11. Educational and scientific research offices,
   12. Employment agency offices,
   13. Engineering and architectural offices,
   14. Finance offices,
   15. Insurance offices,
   16. Investment service offices,
   17. Labor unions,
   18. Laboratories, with accessory research and testing,
   19. Legal offices,
   20. Medical clinics and offices, and
   21. Real estate offices.
(b) Manufacturing, processing, repairing or warehouse uses for manufacturing activities including:
   1. Bicycles,
   2. Cabinets,
   3. Cameras,
   4. Candy,
   5. Clothing,
   6. Computers,
   7. Electrical appliances,
   8. Electronics components,
   9. Furniture,
   10. Generators,
   11. Glass products,
   12. Machine shops,
   13. Machine tools,
   14. Medical equipment,
   15. Motors,
   16. Musical instruments,
   17. Photographic equipment,
   18. Plastic products,
   19. Printing shops,
   20. Printing and publishing establishments,
   21. Sporting and athletic equipment,
   22. Telephone transmission buildings,
   23. Televisions,
   24. Toys, and
   25. Transformers.
(c) Wholesale establishments.
(d) Laboratories.
(e) Assembly of previously prepared material.
(f) Golf Courses. (1901 04/08/97)
(g) Fabrication of canvass and industrial fabrics, covers, awnings, tents, frames, signs, and related products, and related rentals, and retail sales of these products. (1956 10/27/98)
(h) A water treatment distribution center, including related products and related rentals and retail sales
of water treatment products. (2189 03/22/05)

(3) ACCESSORY USES.
(a) Dock facilities,
(b) Essential services,
(c) Garage storage of vehicles used in conjunction with the operation of a permitted use,
(d) Rail tracks and spur lines,
(e) Service buildings normally accessory to the permitted use, and
(f) Security facilities.

(4) CONDITIONAL USES.
(a) Animal hospitals and kennels with a 100-foot buffer zone to any other district,
(b) Community centers,
(c) Governmental buildings,
(d) Group development, (1983 07/27/99)
(e) Libraries,
(f) Museums,
(g) Penal and correctional institutions,
(h) Public passenger transportation terminals, except airports,
(i) Retail businesses, selling products manufactured, produced or distributed from the principal industrial use, not exceeding 10 percent (10%) of total floor area of the permitted use,
(j) Travel agencies,
(k) Self-service facility
(l) Self Service storage facility

(5) PROHIBITED USES.
(a) Any use which does not comply with the Performance Standards specified in this chapter,
(b) Any use not specifically designated as a permitted or conditional use, and
(c) The following uses are expressly prohibited: abattoirs, acid manufacture, cement, lime, gypsum or plaster of paris manufacture, drop force, explosive/hazardous materials, manufacture or storage, fat rendering, fertilizer manufacture, junk yards, smelting of metals, stockyards, and tannery.

(6) ENCLOSURE REQUIREMENTS. All uses, including storage, shall be entirely within the enclosed buildings, except as outdoor storage may be permitted by a conditional use permit as set forth in §17.37(5)a1), Ordinances. (2243 11/28/2006)

(7) MINIMUM LOT SIZE: One acre.

(8) MINIMUM YARD DIMENSIONS.

(a) Principal Building.
   1. Front yard: 30 feet.
   2. Side yard: 20 feet.
   3. Rear yard: 25 feet.

(9) MAXIMUM BUILDING HEIGHT REQUIREMENTS.
(a) Principal building height: None.
(b) Accessory building height: None.

17.32A I-4 PLANNED INDUSTRIAL/BUSINESS DISTRICT (1980 07/27/99, 2132 12/09/03, 2252 04/10/07)

(1) PURPOSE. The I-4 Planned Industrial/Business District is established to delineate those areas to be used for contemporary, professional, and office-like settings, and contemporary industrial development, including light manufacturing, warehousing, and other similar industrial uses, and further including support commercial service uses for industry and businesses.

(2) PRINCIPAL PERMITTED USES – All principal permitted uses allowed in the Industrial/Business District (I-3) and in the Highway Oriented Business District (B-3) as follows: (2132 12/09/03)

(a) Industrial/Business Offices, Business and Professional uses:
   1. Accounting
   2. Auditing
   3. Bookkeeping offices
   4. Advertising offices
   5. Banks and financial institutions
   6. Business associates
   7. Business and management consultant offices
   8. Chiropractic offices
   9. Contractors’ offices
   10. Dental offices
   11. Educational and scientific research offices
   12. Employment agency offices
   13. Engineering and architectural offices
   14. Finance offices
   15. Insurance offices
   16. Investment service offices
   17. Labor unions
   18. Laboratories, with access to research and testing
   19. Legal offices
   20. Medical clinics and offices
   21. Real estate offices

(b) Industrial/Business manufacturing, processing, repairing or warehouse uses for manufacturing activities: 
   1. Bicycles
   2. Cabinets
3. Cameras  
4. Candy  
5. Clothing  
6. Computers  
7. Electrical appliances  
8. Electronics components  
9. Furniture  
10. Generators  
11. Glass products  
12. Machine shops  
13. Machine tools  
14. Medical equipment  
15. Motors  
16. Musical instruments  
17. Photographic equipment  
18. Plastic products  
19. Printing shops  
20. Printing and publishing establishments  
21. Sporting and athletic equipment  
22. Telephone transmission buildings  
23. Televisions  
24. Toys  
25. Transformers  

(c) Other Industrial/Business uses:
1. Wholesale establishments  
2. Laboratories  
3. Assembly of previously prepared material  
4. Golf Courses (1901 04/08/97)  
5. Fabrication of canvass and industrial fabrics, covers, awnings, tents, frames, signs, and related products, and related rentals, and retail sales of these products (1956 10/27/98)  

(d) Highway Oriented Business uses:
1. Advertising services  
2. Air conditioning, refrigerated equipment, and supplies not including outdoor storage  
3. Antique and collector stores  
4. Athletic clubs  
5. Appliance stores  
6. Automobile sales and service establishments  
7. Automotive parts stores  
8. Bar or cocktail lounges  
9. Bakeries  
10. Banks, savings and loan associations and other financial institutions  
11. Beauty shops  
12. Beer, wine, and distilled alcoholic beverages  
13. Bicycle shops, sales and repair  
14. Barber shops  
15. Boat sales or rental establishments  
16. Book and stationery stores  
17. Bowling alleys  
18. Building maintenance services  
19. Bus depots  
20. Business offices and services  
21. Car washes  
22. Catering shops  
23. Civic, social and fraternal association houses or lodges  
24. Clinics  
25. Clothing stores  
26. Clubs or lodges  
27. Commercial and industrial machinery, equipment, and supplies not including outdoor storage  
28. Community centers  
29. Confectioneries  
30. Convenience stores  
31. Copy shops  
32. Credit reporting and collection  
33. Dance halls  
34. Delicatessens  
35. Department stores  
36. Drug stores  
37. Dry goods and variety stores  
38. Eating and drinking establishments, Type 1 and Type 2 (See §17.08 for Definition)  
39. Electrical supply and repair shops  
40. Equipment rental establishments  
41. Fabrics, sewing, needlework stores  
42. Farm equipment, machinery sales and service establishments  
43. Financial institutions  
44. Fish markets  
45. Flea markets  
46. Florists  
47. Food storage lockers  
48. Food stores  
49. Fruit stores  
50. Funeral homes  
51. Furniture stores  
52. Furriers and fur apparel stores  
53. Gas stations  
54. Gift shops  
55. Golf courses  
56. Governmental offices  
57. Green houses  
58. Grocery stores  
59. Hardware stores  
60. Hobby shops  
61. Home furnishing stores  
62. Hospitals  
63. Hotels or motels
64. Household appliance stores
65. Janitorial supply stores
66. Jewelry stores
67. Laundry or dry cleaning facilities
68. Leather goods stores
69. Libraries
70. Locksmiths
71. Lumber and other building supply stores
72. Meat and meat products manufacturers; not including slaughtering or outdoor confinement facilities
73. Meat markets
74. Motorcycle dealers
75. Museums
76. Music stores
77. Newspaper offices and press rooms
78. Nightclubs
79. Office equipment and supply stores
80. Optical stores
81. Outdoor theaters
82. Package liquor stores
83. Paint, glass, and wallpaper stores
84. Parking lots, off-street
85. Pawn shops
86. Photographic equipment and supply stores
87. Photographic studios
88. Physical fitness facilities
89. Places of worship
90. Plumbing, fixtures, and supply stores
91. Pool halls
92. Professional offices
93. Public administration facilities
94. Public garages
95. Radio and television stations including their towers
96. Radio or television repair shops
97. Real estate offices
98. Recreation and utility trailer dealers
99. Regional retail stores
100. Restaurants
101. Schools: professional, business or technical
102. Service stations
103. Sexually oriented business as defined in §12.15 (2376 04/10/2012)
104. Shoe repair shops
105. Shoe sales
106. Shopping centers
107. Soda fountains
108. Specialty shops
109. Sporting or athletic good stores
110. Stationary stores
111. Supermarkets
112. Tailors or dressmakers
113. Tanning salons
114. Taverns
115. Telephone offices
116. Theaters
117. Tobacco shops
118. Trailer sales or rental establishments
119. Travel agencies
120. Used merchandise stores
121. U.S. Post Offices
122. Variety stores
123. Video rental stores

(3) ACCESSORY USES
(a) Dock facilities
(b) Essential services
(c) Garage storage of vehicles used in conjunction with the operation of a permitted use
(d) Rail tracks and spur lines
(e) Service buildings normally accessory to the permitted use
(f) Security facilities

(4) CONDITIONAL USES (2132 12/09/03; 2445 08/23/16)
(a) Community centers
(b) Government office buildings
(c) Group development (1983 07/27/99)
(d) Libraries
(e) Museums
(f) Penal and correctional institution
(g) Retail businesses selling products manufactured, produced, or distributed from the principal industrial use not exceeding 10% of the total floor area of the permitted use
(h) Travel agencies
(i) Any business or industry involving the above ground bulk storage of liquid petroleum or propane gas for on-site use or for sale or delivery
(j) Any of the permitted uses, or combination of uses, that are constructed or developed on a parcel of land two acres or larger in size, including, but not limited to, a shopping center or mall, office, commercial or retail building or complex of buildings
(k) Group Development
(l) All metal clad or cinder block buildings, new or additions, constructed after January 1, 2004. All uses, whether permitted or conditional, shall be considered conditional uses with the overlay zoning district as established in
§17.36C of this Code of Ordinances. (2013 05/09/2000, 2132 12/09/03, 2250 04/10/07, 2252 04/10/07)

(m) All uses, whether permitted or conditional, shall be considered conditional uses with the overlay zoning district as established in §17.36C of this Code of Ordinances (2252 04/10/07)

(n) Reserved (2177 01/25/05, 2252 04/10/07)

(o) Self-service storage facility (2247 02/13/2007; 2445 08/23/16)

(5) PROHIBITED USES

(a) Agricultural chemical manufacturing or processing plants, distribution facilities handling predominantly agricultural chemicals, storage facilities handling predominantly agricultural chemicals or bulk sale facilities

(b) Asphalt products manufacturing or processing plants

(c) Automobile car washes

(d) Automobile service stations

(e) Sauk building products manufacturing or processing plants involving bio-hazardous components

(f) Cemeteries

(g) Hazardous chemical manufacturing or processing plants, distribution facilities handling predominantly hazardous chemicals, storage facilities handling predominantly hazardous chemicals or bulk sale facilities

(h) Dry cleaning establishments

(i) Electronic circuit assembly plants

(j) Electroplating plants

(k) Exterminating shops

(l) Feed lots

(m) Foundries and forge plants

(n) Garages -- for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding

(o) Highway salt storage areas

(p) Industrial liquid waste storage areas

(q) Junkyards and auto graveyards

(r) Landfills or facilities for the treatment, storage or disposal of waste

(s) Metal reduction and refinement plants

(t) Mining operations (gravel pits)

(u) Motor and machinery service and assembly shops

(v) Paint products manufacturing

(w) Petroleum products storage or processing

(x) Photography studios, including the developing of film and pictures

(y) Plastics manufacturing, other than molding operations and assembly operations

(z) Printing and publishing establishments which use non-biodegradable inks and/or volatile organic compounds

(aa) Pulp and paper manufacturing

(ab) Trucking terminals other than those used as on-site distribution centers

(ac) Animal shelters

(ad) Agricultural services

(ae) Amusement and recreation services

(af) Automotive, implement and recreation vehicle sales

(ag) Building supplies

(ah) Garden supplies

(ai) All non-taxable or tax-exempt properties (i.e. churches, schools, day care centers, etc.)

(aj) Single family

(ak) Two-family

(al) Multi-family

(am) Boarding houses

(an) Mobile home dealers

(ap) Contractors-building construction

(ap) Any other use prohibited in the I-3 Industrial/Business District

(6) ENCLOSURE REQUIREMENTS. All uses, including storage, shall be entirely within the enclosed buildings, except as outdoor storage may be permitted by a conditional use permit as set forth in § 17.37(5)(a1), Ordinances. (2243 11/28/2006)

(7) MINIMUM LOT SIZE. One acre in area for industrial or business uses and 27,000 square feet for industrial support commercial service uses.

(8) MINIMUM YARD DIMENSIONS.

(a) Principal Building for Industrial/Business Uses.

1. Front Yard: 30 feet
2. Side Yard: 20 feet
3. Rear Yard: 25 feet

(b) Principal Building for Industrial Support Commercial Uses.

1. Front Yard: 35 feet
2. Side Yard: 20 feet
3. Rear Yard: 25 feet
4. Minimum space between building pads: 30 feet

(9) MAXIMUM BUILDING HEIGHT REQUIREMENTS.

(a) Principal Building Height for Industrial/Business Uses: None

(b) Principal Building for Industrial Support Commercial Uses: 45 feet

(c) Accessory Building Height for Industrial/Business Uses: None

(d) Accessory Building Height for Industrial Support Commercial Use: 2 stories, but not over 15 feet

17.33 A-1 AGRICULTURAL TRANSITIONAL DISTRICT. (1502 04/12/88)
(1) PURPOSE. The A-1 Agricultural Transitional District is established to permit certain designated agricultural uses for an interim period of time until urban expansion causes the land to be developed into other uses.

(2) PRINCIPAL PERMITTED USES.
   (a) Cemeteries.
   (b) Crop raising, forestry, greenhouses, horticulture, orchards, truck farming.
   (c) Essential services.
   (d) Fairgrounds.
   (e) Golf courses.
   (f) Museums.
   (g) One and two family dwellings. (City Atty. Note: See §18.02(8) for minimum lot size requirements for lots not served by public sewer.)
   (h) Parks.
   (i) Places of worship.
   (j) Schools.

(3) CONDITIONAL USES.
   (a) Airports
   (b) Civic, social and fraternal association houses or lodges for non-commercial use
   (c) Colleges and universities
   (d) Crematoriums
   (e) Funeral homes
   (f) Grazing of livestock with a 100-foot buffer to all districts
   (g) Hospitals
   (h) Sanitariums
   (i) Any business or industry involving the above ground bulk storage of liquid petroleum or propane gas for on site use, or for sale or delivery (1921 10/28/97)
   (j) Communications towers [See §17.38(7)] (2260 06/12/07)

(4) LOT SIZE REQUIREMENTS. Minimum three acres. (City Atty. Note: See §18.02(8) for minimum lot size requirements for lots not served by public sewer.)

(5) MINIMUM YARD DIMENSIONS.
   (a) Principal Building:
      1. Street - 150 feet.
      2. Rear Yard - 25 feet.
      3. Side yard - minimum 8 feet on any one side, minimum total of 20 feet.
   (b) Accessory Building:
      1. Side Yard - 1/2 the height of the building.
      2. Rear Yard - 1/2 the height of the building, including the right-of-way of the alley, but not less than three (3) feet from abutting an alley.

(6) MAXIMUM LOT COVERAGE. None.

(7) MAXIMUM BUILDING HEIGHT. Agricultural structures such as barns, silos and windmills shall not exceed in height three (3) times their distance from the nearest lot line. (2300 04/14/2009)

17.34 A-2 AGRICULTURAL HOLDING DISTRICT. (1502 04/12/88)

(1) PURPOSE. The A-2 Agricultural Holding District is established to control urban sprawl by retaining agricultural land to provide for a minimum lot size of five (5) acres, and to locate low-density residential developments in areas without severe soil limitations for non-sewered residential development. (City Atty. Note: See §18.02(8) for minimum lot size requirements for lots not served by public sewer.)

(2) PRINCIPAL PERMITTED USES.
   (a) Agricultural uses, including: dairying, general farming, greenhouses, hatcheries, livestock raising, poultry raising and paddocks.
   (b) Cemeteries, crematoriums or funeral homes.
   (c) Civic, social and fraternal association houses or lodges.
   (d) Colleges and universities.
   (e) Crop raising, forestry, greenhouses, horticulture, orchards, and truck farming.
   (f) Essential services.
   (g) Hospitals and sanitariums.
   (h) Museums.
   (i) Any business or industry involving the above ground bulk storage of liquid petroleum or propane gas for on site use, or for sale or delivery (1921 10/28/97)
   (j) Communications towers [See §17.38(7)] (2260 06/12/07)

(3) ACCESSORY USES. Essential services.

(4) CONDITIONAL USES.
   (a) Animal hospitals and kennels with a 100-foot buffer from any residential district.
   (b) Archery ranges.
   (c) Bed-and-breakfast establishments.
   (d) Campgrounds.
   (e) Commercial greenhouses.
   (f) Driving ranges.
   (g) Fairgrounds.
   (h) Golf courses.
   (i) Open air markets.
(j) Orchards.
(k) Communications towers. [See §17.38(7)] (2260 06/12/07)

(5) LOT SIZE REQUIREMENTS. Minimum of five (5) acres. (City Atty. Note: See §18.02(8) for minimum lot size requirements for lots not served by public sewer.)

(6) MINIMUM YARD DIMENSIONS.
(a) Principal Building:
1. Street - 150 feet.
2. Rear Yard - 25 feet.
3. Side yard - minimum 8 feet on any one side, minimum total of 20 feet.
(b) Accessory Building:
1. Side Yard - 1/2 the height of the building.
2. Rear Yard - 1/2 the height of the building, including the right-of-way of the alley, but not less than three (3) feet from abutting an alley.

(7) MAXIMUM BUILDING HEIGHT. Agricultural structures such as barns, silos, and windmills shall not exceed in height three (3) times their distance from the nearest lot line. (2300 04/14/2009)

17.35 C-1 CONSERVANCY DISTRICT. (1502 04/12/88, 1652 09/14/92)

(1) PURPOSE. The C-1 Conservancy District is established to preserve designated lands for conservation purposes.

(2) PRINCIPAL PERMITTED USES.
(a) Cemeteries.
(b) Floodways.
(c) Golf courses.
(d) Groundwater recharge areas.
(e) Museums.
(f) Nature preserves.
(g) Parks.
(h) Schools.
(i) Utility land and easements.
(j) Wetlands.
(k) Woodlands.

(3) CONDITIONAL USES.
(a) Campgrounds.

17.36 HIA HIGHWAY INTERCHANGE AREA DISTRICT (OVERLAY DISTRICT).

(1) PURPOSE. The Highway Interchange Area District is to supplement the controls of the underlying zoning districts by providing special regulations as required by the unique characteristics of land development and traffic generation and movement in interchange areas.

(2) APPLICATION. The general standards set forth hereunder will apply to all lands within the delineated areas surrounding any existing or planned highway interchange, and shall be overlaid upon the underlying zoning districts already applied to the same lands. In the event of conflicting standards between the underlying zoning and the interchange overlay regulations, the more restrictive will apply.

(3) ACCESS AND ROAD REQUIREMENTS. The following requirements shall apply for an area of one-half (1/2) mile outside the interchange right-of-way or for a distance of one-half (1/2) mile along either side of an intersecting highway from the most remote end of the interchange ramp taper, whichever is greater.

(a) Access Control on Intersecting Highway.
1. On a dual-lane highway, there shall be no access within 1,000 feet of the most remote end of any ramp taper.
2. On other intersecting highways, there shall be no access within 700 feet of the most remote end of taper.
3. There shall be no access point closer than 700 feet to another access point.
4. Access points on opposite sides of the highway shall be directly opposite each other, or opposite a median crossover, or separated by at least 300 feet of lateral distance.
5. Frontage roads or interior access roads shall be utilized to minimize the number of direct access points to the intersecting highway.
6. Every property owner developing land within this district shall dedicate land for either a frontage road minimum width of 50 feet or an interior street of a minimum width of 66 feet.

(b) Setback. The setback from an intersecting highway shall be 160 feet from the centerline or 100 feet from the right-of-way line, whichever is greater, 50 feet from the right-of-way of the frontage road.

17.36A SPECIAL ZONING EXCEPTIONS

(1) A special zoning exception is hereby granted for a motel addition on the property at 1013 8th Street thereby allowing a total motel complex with up to 73 rooms for overnight occupancy, a meeting room, game room, swimming pool, an exercise room, along with other auxiliary rooms. This special exception shall allow the construction of an addition that consists of a 2 car garage on the lower level and a residential
apartment unit on the upper level on the north side (9th Street) of the existing motel property with a 12 foot setback from the 9th Street right-of-way line. This property is more particularly described as: (2083 05/28/2002, 2094 09/10/02, 2398 08/13/13) (See original ordinance for reasoning of Common Council):

Lot One (1), Certified Survey Number 1400 as recorded in Volume 6 of Certified Surveys, on page 1400 in the office of the Register of Deeds for Sauk County, Wisconsin. (Located in SW ¼ NE ¼, Section 36-12-6, City of Baraboo.) Tax Parcel No. 206 0323-00000

(2) Property at 202 East Street formerly known as Industrial Coils Building (Historic Circus Barns). A special zoning exception is hereby granted for a mixed use planned development for the property at 202 East Street, Baraboo, Wisconsin, formerly known as the Industrial Coils property and thereby allowing residential apartments, commercial offices, and a yoga and/or physical fitness facility on the second floor and retail shops, yoga and/or physical fitness facility, commercial offices, light manufacturing and assembly, Type 1 Eating Establishment(s) and banquet/meeting room, a neighborhood community center, and warehousing on the first floor conditioned upon the following: (2137 01/27/04, 2190 03/22/05) (NOTE: See Ordinance 2137 for specific findings.)

(a) Four (4) residential dwelling units may be constructed on the second floor conditioned upon the following:
   1. Two parking spaces for tenants shall be provided on the site for each unit as required by §17.41(1) of the City Code.
   2. The entrances for the apartments shall be on East Street.

(b) 1,386 square feet on the second floor may be used for retail, yoga and/or physical fitness facility, business or professional offices provided that these shall be provided one off-street parking stall on the site for every 300 square feet of floor area devoted to such office use.

(c) The first floor may be divided between business and professional offices, commercial retail stores and shops, yoga and/or physical fitness facility, light manufacturing, Type 1 Eating Establishment(s) and banquet/meeting room, a neighborhood community center, and warehousing for existing uses on the property, all conditioned on the following: (2190 03/22/05)

1. This use shall comply with the off-street parking requirements as set forth in §17.41 of the City Code.
2. Light manufacturing shall be limited, by way of example, to such businesses as pottery shop, light assembly, packaging.
3. Warehousing shall be allowed in the garage building at the rear of the property and also in the main building provided that the warehoused goods shall not house material identified as hazardous material.

(d) Other special conditions to be constructed and/or maintained are as follows:

1. Additional Off-Street Parking. The City reserves the right to require the owner of the subject property to provide additional off-street parking based upon the traffic volume generated by future uses of the property. Consideration of the need for additional off-street parking shall first be submitted to the Plan Commission for a recommendation with the final determination to be made by the City Council. If additional off-street parking is required by the City, property owner may use the Circus World Museum parking lot at the corner of Rosaline and Water Streets and the St. Joseph’s Catholic Church parking lot at the corner of 1st and East in order to comply with any additional off-street parking required by the City provided, however, that the property owner shall present the City with a written enforceable agreement with the owner of each of these parcels allowing property owner to use these areas for additional off-street parking in order to comply with the City’s off-street parking requirements, provided that the written agreement is approved as to form by the Baraboo City Attorney.

2. On-Site Lighting. On-site lighting shall be consistent with the historic character of the building and the lighting shall not go beyond the boundaries of the subject property
except where necessary for tenant safety.

3. Special Signs. Special signs shall be allowed provided the signs are consistent with the historic character of the building and the area and are in compliance with the City of Baraboo Sign Code.

4. Dumpster and Recycling. A dumpster and recycling area may be maintained on the north side of the building in the enclave portion such that the dumpster is not visible from a public street.

5. Outdoor Display and Storage. Outdoor display and storage shall not be permitted.

(e) The building shall comply with all applicable City and State Codes.

(f) The historic character of the exterior of the building shall be maintained and the property shall be registered on the State of Wisconsin’s National Register for Historic Places.

(g) This special zoning exception shall terminate on December 31, 2004, if construction toward implementing the uses allowed in this special zoning exception has not been commenced on the property by said date.

17.36B PLANNED DEVELOPMENT OVERLAY ZONING DISTRICTS. (2246 01/23/2007)

(2) PERMITTED LOCATIONS AND PERMITTED USES.

(a) Permitted Locations. Planned Developments shall be permitted with the approval of a Planned Development Overlay Zoning District, specific to the approved Planned Development, within all zoning districts except the Agricultural Transition District, Agricultural Holding District and Conservancy District.

(b) Permitted Uses. All land uses listed as permitted uses in the Residential, Business and Industrial Zoning Districts may be permitted within a Planned Development. All land uses listed as Conditional Uses in the Residential, Business and Industrial Zoning Districts may be permitted within a
Planned Development. No use is permitted as a matter of right in the Planned Development Overlay District except as may be provided in an approved General Development Plan.

(c) Requirements to Depict All Aspects of Development. Only development which is explicitly depicted on the required site plan approved by the City Council as part of the approved Planned Development shall be permitted, even if such development is otherwise listed as permitted. Requested exemptions from these standards shall be made explicit by the Applicant in the application, and shall be recommended by the Plan Commission and approved explicitly by the City Council. If not so requested and approved, such exemptions shall not be permitted.

(3) INITIATION OF REQUEST FOR APPROVAL OF A PLANNED DEVELOPMENT. Proceedings for approval of a Planned Development shall be initiated by:

(a) An application of the owner(s) of the subject property;
(b) A recommendation of the Plan Commission; or
(c) By action of the City Council.

(4) All applications for proposed Planned Developments, regardless of the party of their initiation per (3) above, shall be approved as complete by the zoning administrator, or other staff as designated by the City Administrator, a minimum of two weeks prior to the initiation of this procedure. The zoning administrator, or other staff, shall forward copies of the complete application to the office of the City Clerk. The application shall apply to each of the process steps in paragraphs (5) through (8) as set forth below.

(5) PLANNED DEVELOPMENT Process Step 1: Pre-Application Conference.

(a) The Applicant shall contact the zoning administrator, or other staff as designated by the City Administrator, to place an informal discussion item for the planned development on the Plan Commission agenda.

(b) No details beyond the name of the Applicant and the identification of the discussion item as a planned development is required to be given in the agenda.

(c) At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the potential planned development. Appropriate topics for discussion may include the location of the Planned Development, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and non-residential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and the relationship to the City’s comprehensive plan.

(d) Points of discussion and conclusions reached in this stage of the process shall be in no way be binding upon the Applicant or the City, but should be considered as the informal non-binding basis for proceeding to the next step.

(6) PLANNED DEVELOPMENT PROCESS STEP 2, CONCEPT PLAN. The Applicant shall provide the Zoning Administrator with a draft Planned Development Concept Plan Submittal Packet for a determination of completeness prior to placing the proposed planned Development on the Plan Commission agenda for Concept Plan review. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for Concept Plan review:

(a) A location map of the subject property and its vicinity at 11” x 17” as depicted on a copy of the City of Baraboo Land Use Plan Map.

(b) A general written description of the proposed Planned Development including:

1. General project themes and images,
2. The general mix of dwelling unit types and/or land uses,
3. Approximate residential densities and non-residential intensities as described by dwelling units per acres, floor area ratio and impervious surface area ratio,
4. The general treatment of natural features,
5. The general relationship to nearby properties and public streets,
6. An initial draft list of zoning standards which will not be met by the proposed Planned Development and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed Planned Development and the location(s) in which they apply, as compared to the underlying zoning district(s). Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.

(c) A written description of potentially requested exemptions from the requirements of the underlying zoning district and/or City design standards.

(d) A conceptual plan drawing (at 11” x 17”)/) of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the “bubble plan” in addition to the 11” x 17” reduction.

(e) Within ten working days of receiving the draft Planned Development Concept Plan Submittal Packet, the Zoning Administrator shall determine whether the submittal is complete. Once the Zoning Administrator has received a complete packet, the proposed Planned Development Concept Plan shall be placed on the Plan Commission agenda.

(f) At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the conceptual Planned Development. Appropriate topics for discussion may include any of the information provided in the Planned Development Concept Plan Submittal Packet, or other items as determined by the Plan Commission.

(g) Points of discussion and conclusions reached in this stage of the process shall be in no way be binding upon the Applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the Concept Plan to occur prior to introduction of the formal petition for rezoning which accompanies the GDP application.

(7) PLANNED DEVELOPMENT PROCESS

STEP 3, GENERAL DEVELOPMENT PLAN (GDP). The Applicant shall provide the Zoning Administrator, or other assigned staff, with a draft GDP Plan Submittal Packet for a determination of completeness prior to placing the proposed GDP on the Plan Commission agenda for GDP review. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for GDP review:

(a) A location map of the subject property and its vicinity at 11” x 17” as depicted on a copy of the City of Baraboo Land Use Plan Map,

(b) A map of the subject property showing all lands for which the planned development is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Sauk County (as provided by the City of Baraboo). The map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. The map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 200 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

(c) A general written description of proposed Planned Development include:
   1. General project themes and images,
   2. The general mix of dwelling unit types and/or land uses,
   3. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio,
   4. The general treatment of natural features,
5. The general relationship to nearby properties and public streets,

6. The general relationship of the project to the City’s comprehensive plan,

7. A Statement of Rationale as to why Planned Development zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of the underlying zoning district(s) and opportunities for community betterment the Applicant suggests are available through the proposed Planned Development zoning,

8. A complete list of zoning standards which will not be met by the proposed Planned Development and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed Planned Development and the location(s) in which they apply shall be identified, as compared with the underlying zoning district(s). Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility, and

9. A written description of potentially requested exemption from the requirements of the underlying zoning district and/or City design standards.

(d) A General Development Plan Drawing at a minimum scale of 1”=100’ (11” x 17” reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

1. A conceptual plan drawing (at 11” x 17”) of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the “bubble plan” in addition to the 11” x 17” reduction,

2. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;

3. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or City Council; and

4. Notations relating the written information provided in (7)(c)1-7, above, to specific areas on the GDP Drawing.

(e) A general conceptual landscaping plan for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this Ordinance (except as noted in the listing of exceptions) and the use of extra landscaping and buffer yards.

(f) A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from City standards or common practices.

(g) Written justification for the proposed Planned Development. (The Applicant shall use the requirements of the zoning map amendment procedure (§17.11) to develop said written justification.)

8. The process for review and approval of the GDP shall be identical to that for Zoning Map Amendments per §17.11 of the Code of Ordinances and (if land is to be divided) to that for preliminary and final plats of subdivision in accordance with the Code of Ordinances.

9. All portions of an approved Planned Development GDP not fully developed
within five years of final City Council approval shall expire, and no additional Planned Development-based development shall be permitted. The City Council may extend this five years period by up to five additional years via a majority vote following a public hearing.

(10) Planned Development Process Step 4: Specific Implementation Plan (SIP). After the effective date of the rezoning to Planned Development/GDP, the Applicant may file an application for a proposed Specific Implementation Plan (SIP) with the Plan Commission. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for Planned Development review:

(a) A location map of the subject property and its vicinity at 11" x 17" as depicted on a copy of the City of Baraboo Land Use Plan Map;

(b) A map of the subject property showing all lands for which the planned development is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Sauk County (as provided by the City of Baraboo). The map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. The map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 200 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

(c) A specific written description of the proposed SIP including:
   1. Specific project themes and images;
   2. The specific mix of dwelling unit types and/or land uses;
   3. Specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
   4. The specific treatment of natural features;

(d) A Specific Implementation Plan Drawing at a minimum scale of 1”=100’ (11” x 17” reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
   1. A SIP site plan conforming to all the requirements of §17.47, Ordinances,
   2. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use,
   3. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan

5. The specific relationship to nearby properties and public streets,

6. A Statement of Rationale as to why Planned Development zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed Planned Development zoning,

7. A complete list of zoning standards which will not be met by the proposed SIP and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed SIP and the location(s) in which they apply shall be identified as compared to the underlying zoning district(s). Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
Commission or City Council, and

4. Notations relating the written information provided in (10)(3)1-7, above to specific areas on the GDP Drawing.

(e) A landscaping plan for subject property, specifying the location, species, and installed size of all trees and shrubs. This plan shall also include a chart which provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or buffer yard) of all trees and shrubs.

(f) A series of building elevations for the entire exterior of all buildings in the proposed SIP, including detailed notes as to the materials and colors proposed.

(g) A specific signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes which are proposed to vary from City standards or common practices.

(h) A formal draft of the intended organizational structure for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.

(i) A written description which demonstrates the full consistency of the proposed SIP with the approved GDP.

(j) All variations between the requirements of the approved PLANNED Development/GDP zoning district and the proposed SIP development.

(k) The Applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.

(l) The area included in a Specific Implementation Plan may be only a portion of the area included in a previously approved General Implementation Plan.

(m) The Plan Commission or City Council may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the SIP, as such may be relevant to review.

(11) The process for review of and approval of the Planned Development shall be identical to that for site plans in accordance with §17.47, Code of Ordinances, and (if land is to be divided) to that for preliminary and final plats of subdivisions in accordance with the Code.

(12) All portions of an approved Planned Development/SIP not fully developed within five years of final City Council approval shall expire, and no additional Planned Development based development shall be permitted. The City Council may extend this five-year period by up to five additional years by a majority vote following a public hearing.

17.36C CONDITIONAL USE OVERLAY DISTRICT.

A conditional use overlay district, within which all permitted and conditional uses for the underlying zoning district become conditional uses, is created with the following boundaries:

Beginning at the intersection of Hitchcock Street and the south line of Block 2 of the Victory Heights Subdivision; thence east along said south line to the southeast corner of Lot 13, Block 2 of said Subdivision; thence south to the northerly right-of-way line of South Boulevard; thence northeasterly along said right-of-way line to the southeast corner of City of Baraboo Tax Parcel No. 206-0975-0000; thence west along south line of said tax parcel to the southwest corner of said parcel; thence continuing westerly to the southwest corner of City of Baraboo Tax Parcel No. 206-0974-0000, thence northerly a distance of 31.5 feet to the southeast corner of City of Baraboo Tax Parcel No. 206-0972-0000; thence west along south line of said parcel to the southeast corner of said parcel; thence north along the west line of said parcel to the south right-of-way line of Lynn Avenue; thence easterly along said south right-of-way line to the west line of South Boulevard; thence northeasterly along said west right-of-way line to the southeast corner of City of Baraboo Tax Parcel No. 206-0953-0000; thence northerly a distance of 38.91 feet; thence easterly a distance of 105.00 feet; thence north a distance of 70.82 feet; thence easterly a distance of 250.00 feet; the north a distance of 505.08 feet to a point in the center of the Baraboo River; thence southeasterly along said river centerline to the east right-of-way line of Broadway; thence northeasterly along said east line to the south right-of-way line of First Avenue; thence east along said south line of First Avenue and then First Street to the west right-of-way line of East Street;
thence southeasterly across East Street to the northwest corner of CSM No. 3362; thence east along north line of said CSM to the west right-of-way line of Rosaline Street; thence south along said west right-of-way line to the north right-of-way line of Water Street; thence southwesterly across Water Street to the northwest corner of CSM No. 3350; thence South along west line of said CSM to the Baraboo River; thence Southwesterly to a point that is on the South bank of the Baraboo River and is the Northwest corner of Plat of Survey Number 7654; thence South along west line of said Plat of Survey to the centerline of Lynn Street; thence Easterly along said centerline to the East Line extended of Lot 6, Block 1 of H.H. Potter's Subdivision; thence South along said East Line to the centerline of the alley of said Block 1; thence East to the East Line extended of Lot 9, Block 1 of H.H. Potter's Subdivision; thence South along said East Line to the centerline of Clark Street; thence Easterly along said centerline to a point that is 33 feet North and 26 feet East of the West Line of Lot 2 of Block 2 of H.H. Potter's Subdivision; thence South to the centerline of Potter Street; thence East along said centerline to the Northwest corner of Lot 1 of CSM 3387; thence South along the West Line of said CSM to the SW corner of said CSM; thence Easterly along the South Line of said CSM to the SW corner of Lot 2 of CSM 3387; thence East along the South Line of said CSM to its SE corner; thence South along the East Line of Tax Parcel #206-0889-00000 to the North Line of Tax Parcel #206-0897-00000; thence Easterly and Southerly along said property Lines to the Northeast corner of Tax Parcel #206-0891-00000; thence South along the East Line of said Tax Parcel to the Northeast corner of Tax Parcel #206-0894-00000; thence South along the East Line of said Tax Parcel to the SE corner of said parcel; thence West along the South Line of said parcel to its intersection with the Easterly Line of Lot 1 of CSM 4551; thence Southerly, Westerly and Northerly along said CSM to the North Line of the SW¼ of Section 1, T11N, R6E; thence West along said North Line to the West Line of Tax parcel #206-0896-00000; thence Northerly along said West Line to the Southwest corner of Tax Parcel #206-0879-00000; thence Northerly along said West Line of said parcel to the Southeast corner of CSM 2599; thence Northwesternly along the North Line of said CSM to the North right-of-way of Lake Street; thence Southerly perpendicular to the North right-of-way Line of Lake Street to the centerline of Lake Street; thence Northerly and Westerly along said centerline to its intersection with the centerline of Maple Street; thence West along said centerline to the centerline of Quarry Street; thence Northerly to the intersection with the south right-of-way of Lynn Avenue; thence West along said south line to the northeast corner of Plat of Survey No. 2102; thence southerly along east line of said plat of survey to the southeast corner of said survey; thence westerly to the east line of CSM 433; thence southerly along said east line to the northeast corner of CSM 4239; thence south along east line of said CSM to the northeast corner of Plat of Survey 3603; thence south along east line of said Plat of Survey to the easterly right-of-way of Parkway; thence southerly to the intersection of the westerly right-of-way of Parkway and the north right-of-way of Quarry Street; thence westerly along said north right-of-way line to the centerline of Waldo Street; thence north along said centerline to the centerline of South Boulevard; thence west along said centerline to the centerline of Hitchcock Street; thence north along said centerline to the point of beginning.

And all properties south of the Baraboo River and westerly of a line described as follows:

Beginning at a point at the intersection of the centerline of the Baraboo River and the West line of the SE¼ of the SE¼ of Section 34, Town 12N, Range 6E, Sauk County, Wisconsin; thence South along said ¼ ¼ line to the Southwest corner of City of Baraboo Tax Parcel No. 206-0039-44030; thence Easterly along the South line of said Tax Parcel to the extended Easterly line of City of Baraboo Tax Parcel No. 206-0039-44020; thence South along said extended line of said parcel to the centerline of Carpenter Street; thence West along said centerline to the East right-of-way line of Industrial Court; thence South along said right-of-way line to the centerline of Sauk Avenue; thence East along said centerline to the centerline of Moore Street; thence South along said centerline to the centerline of Sauk Avenue; thence East along said centerline to the centerline of Hitchcock Street; thence South along said centerline to the centerline of South Boulevard; thence Easterly along said centerline to the centerline of Waldo Street; thence South along said centerline to the North line of the SW¼ of Section 2, Town 11N, Range 6E, Sauk County, Wisconsin; thence West along said line to the

17-58
West line of the SW¼ of said Section 2; thence South along said line and all Sections to the South within the City. (A map showing the boundaries of this overlay district is on file in the City Engineer’s office and is incorporated by reference.)

17.37 CONDITIONAL USE REVIEW AND APPROVAL. (1982 07/27/99; 2376 04/10/2012)

(1) PURPOSE.
   (a) The purpose of this Section is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.

   (b) Certain uses in situations which are of such a special nature, or are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this Code of specific standards, regulation, or conditions which would permit such determination in each individual situation, may be permitted as conditional uses.

   (c) Under this Code, a proposed conditional use shall be denied unless the Applicant can demonstrate, to the satisfaction of the City, that the proposed Conditional Use will not create undesirable impacts on nearby properties, the environment, nor the community as a whole.

   (d) Limited Conditional Uses: Limited conditional uses are the same as regular conditional uses except that in the considered findings of the City Council and the granting thereof, because of any of the following: Their particularly specialized nature, their particular locations within a district, their peculiar unique relationships or needed compatibility of uses to involved individuals, or any other reason(s) the City Council deems specially relevant and material to delimit the scope thereof, should be of lesser permanence than regular conditional uses and the duration of term of existence may be established until time certain or be limited to a future happening or event at which time the same shall terminate.

   (e) The requirements of this section for conditional use review and approval shall not apply to sexually oriented businesses as defined in §12.15, Ordinances. No conditional use permit shall be required by any sexually oriented business.

(2) APPLICATION FOR CONDITIONAL USE PERMIT. Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought, may file an application to use such land for one (1) or more of the conditional uses in the zoning district in which such land is located.

   (a) Application Requirements. All applications for proposed conditional uses shall be approved as complete by the Zoning Administrator prior to the initiation of this procedure. The submittal of an application to the City Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the City Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred, except that an item may be placed on any agenda as a discussion only item without an application, with the permission of the Zoning Administrator, without an application. Applications shall be filed with the Zoning Administrator. The Zoning Administrator shall specify the number of application copies required based upon the needs of the Plan Commission, City Council, and for staff review. A complete application shall be comprised of all of the following: (2268 10/23/07)

   A map of the subject property showing all lands for which the conditional use is proposed and all other lands within 100 feet of the boundaries of the subject property, together with the names and addresses of the owners of lands on said map as the same appear on the current records of the Sauk County Real Property Lister or on the current records of the Register of Deeds of Sauk County. The map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction that maintains that control. The map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier and shall be at a scale which is not less than 1 inch equals 300 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
1. A map, such as the land use plan map, of the generalized location of the subject property in relation to the City as a whole;

2. A written description of the proposed conditional use describing the type of activities, buildings and structures proposed for the subject property and their general location. A full legal description of the site, the address and the parcel number of the site, a description of each structure on the site, the proposed operation or use of the land constituting the site and each structure on the site, the number of persons to be employed on the site and the current zoning of the site.

3. A site plan of the subject property as proposed for the development. Said site plan shall con-form to any and all requirements of §17.37(2)(b), below. If the proposed conditional use is a group development, a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan.

4. Conditions such as: landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan Commission upon its findings that these are necessary to fulfill the purpose and intent of this Chapter. The foregoing conditions are listed for illustration purposes, and not for limitation purposes.

5. A statement by the applicant providing written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidence by compliance with the standards set forth in §17.37(2)(b) below.

6. Prepayment of the required fee.

(b) Review by the Zoning Administrator. The proposed conditional use shall be reviewed by the Zoning Administrator as follows:

1. The Zoning Administrator shall determine whether the application is completed and fulfills the requirements of this Code. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Code, he/she shall return the application to the applicant. If the Zoning Administrator determines that the application is complete, he/she shall so notify the applicant.

2. Upon notifying the applicant that the application is complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed conditional use provided in the application as provided in §17.37(2) above. The Zoning Administrator shall also evaluate the application to determine whether the request is in harmony with the recommendation of the City’s Master Plan, particularly evidenced by compliance with the following standards:

a. The proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies and standards of the City of Baraboo’s Comprehensive Plan, this Code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.

b. The proposed conditional use, in its proposed location and as depicted on the required site plan (per §17.37(2)(a) above), does not result in a substantial or undue adverse impact on
nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Code, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.

c. The proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

d. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.

e. The potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use (as identified in Subsections a. through d., above), after taking into consideration the applicant’s proposal and any requirements recommended by the applicant to ameliorate such impacts.

f. Additional standards to be applied are as follows:

[1] Whether the establishment, maintenance or operation of the conditional use will be detrimental to, or endanger the public health, safety, morals, comfort or general welfare, or conflict with the spirit or intent of The Codes.

[2] Whether the uses, values and enjoyment of other property in the neighborhood of the site which is being used for permitted zoning purposes will be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

[3] Whether the proposed conditional use is compatible with the use of adjacent properties.

[4] Whether the establishment of the conditional use will impede the normal and orderly development and improvement for uses permitted in the zoning district.

[5] Whether adequate utilities, drainage, open spaces, landscaping, lighting and other necessary site improvements have been or are being provided.

[6] Whether adequate driveways, walkways, traffic access and parking areas have been or will be designed as to minimize traffic congestion in the public streets and to provide for the safety of pedestrians.

[7] Whether adequate provisions have been or are being provided for the removal and depositing of snow.

[8] Whether the conditional use shall, except for yard requirements, conform to all applicable regulations of the
district in which it is located.

[9] Whether the conditional use will violate flood plain regulations governing the site.

[10] If new construction of a building or an addition to an existing building is contemplated as part of the conditional use, whether the proposed building or addition conflicts with the purposes and objectives of the zoning district where the site is located.

[11] Whether the proposed use will have an adverse affect upon any of the following:

[a] The maintenance of safe and healthful conditions.
[b] The prevention and control of water pollution, including sedimentation.
[c] Existing topographic and drainage features and vegetative cover on the site.
[d] The location of the site with respect to floodplains and floodways of rivers and streams.
[e] The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
[f] The location of the site with respect to existing or future access roads.
[g] The need of the proposed use for a shoreland location.
[h] Its compatibility with uses on adjacent lands.
[i] The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

(3) PLAN COMMISSION PUBLIC HEARING, REVIEW & DETERMINATION.

(a) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application within 60 days after the filing with the City Clerk of an application approved by the Zoning Administrator. The applicant may appear in person, by agent, and/or by attorney. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official City newspaper at least one week before the date of the hearing. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant and to the property owners of record, as shown on the current City of Baraboo Property Tax Assessment Roll, who are the owners of each tax parcel situated in whole or in part within 200 feet of the boundaries of the site. This notice shall be mailed by first class mail at least 10 days prior to the date of such public hearing to the address of the owner as shown on the current City of Baraboo Property Tax Assessment Roll for each affected tax parcel. Failure to comply with the foregoing publication and/or notice provisions or the failure of a person to receive notice shall not, however, invalidate any previous or subsequent action on the conditional use application nor shall such failure to give notice invalidate proceedings under this section providing that such failure in unintentional. (2131 12/09/03)

(b) Within 60 days after the public hearing or within any extension of said period requested in writing by the applicant and granted by the Plan Commission, the Plan Commission shall take final action on the application and the Plan Commission may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications, or may deny approval of the proposed conditional use.

(c) If the Plan Commission recommends approval (or denial) of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following:

1. That the potential public benefits of the proposed conditional use outweigh (or do not outweigh) any and all potential adverse impacts of the proposed conditional use, as identified in §17.37(2)(b)2 above, after taking into consideration the proposal by the applicant.

(4) APPEALS. (1998 01-11-2000)
(a) Any action of the Plan Commission in granting or denying a conditional use permit may be appealed to the City Council if a written request for an appeal together with the required appeal fee is filed with the City Clerk within 10 days after the date of the Plan Commission's action in granting or denying the permit. The appeal shall be stated in writing and shall state in detail the grounds for reversal or modification of the Plan Commission action and shall be signed by the conditional use applicant, or by the Zoning Administrator, or by the owners of at least twenty percent (20%) of the land area immediately adjacent extending 100 feet from the subject site, or by the owners of twenty percent (20%) or more of the land directly opposite the subject site extending 100 feet from the street frontage of such opposite land.

(b) Any action of the Plan Commission in granting or denying a conditional use permit may also be reviewed by the City Council if a written request for such review is filed with the City Clerk by a City Council member within ten (10) days after the date of the Plan Commission's action in granting or denying the permit. No fee shall be required for a request to review filed by a City Council member under this subsection.

(c) Upon receipt of an appeal together with the required fee filed pursuant to subs.(a) above, or of a request for a review filed pursuant to subs.(b) above, the City Clerk shall submit the appeal or review request to the City Council. The City Council shall set a date and time for a public hearing thereon. Notice of the time, place and purpose of the public hearing shall be given by publication of a Class I notice under the Wisconsin Statutes in the official City newspaper at least one (1) week before the date of the hearing. Notice of the time, place and purpose of the public hearing shall also be sent by first class mail to the conditional use applicant, to the person(s) appealing the decision of the Plan Commission and to the property owners of record as determined under §17.37(2)(a) above, said notice to be mailed at least ten (10) days prior to the date of the public hearing. Failure to comply with the foregoing publication and/or notice provisions, or the failure of any person to receive notice shall not invalidate the proceedings or any previous or subsequent action of the City Council on the conditional use appeal. The City Council may either affirm, affirm with modifications, or reverse, in whole or in part, the action of the Plan Commission and may finally grant or deny the application for a conditional use permit. The City Council may also remand the application to the Plan Commission for further review and determination.

(5) CONDITIONS AND GUARANTEES. The following provisions shall apply to all conditional uses:

(a) Conditions. Prior to the granting of any conditional use, the Plan Commission or the City Council on appeal, may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operations of the conditional use as deemed necessary to promote the public health, safety, and general welfare of the community, and to secure compliance with the standards and requirements specified in §17.37(2) above. In all cases in which conditional uses are granted, the Plan Commission and the City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with. Such conditions may include, but shall not be limited to, the following:

1. Landscaping as required by Subch. IV. (1999 01/11/00)
2. Type of construction.
3. Construction commencement and completion dates.
4. Sureties.
5. Lighting.
6. Fencing and noise barrier.
7. Operational control.
8. Hours of operation.
10. Deed restrictions.
11. Access restrictions.
12. Setbacks and yards.
13. Type of shore cover.
14. Specified sewer disposal and water supply system.
15. Storm water control.
17. Piers and docks.
18. Parking areas.
19. Walkways.
21. Any other requirements necessary to fulfill the purpose and intent of this chapter.

(a1) Outdoor Storage in Industrial Zoning Districts. (2243 11/28/06) The
outdoor storage of materials shall be a conditional use in the Industrial Zoning Districts.

In considering an application for an outdoor storage conditional use, the following factors shall be considered: the proximity of the proposed storage area to residential use areas, whether the proposed storage area is visible from public streets and whether such streets are principal public thoroughfares, and what conditions are necessary to maintain the health, safety and welfare of the public and property in the area.

Conditions to be imposed upon the outdoor storage of materials may include, but shall not be limited to, the following:

1. The storage must be incidental to the primary permitted use of the property.
2. The storage area must be designed to properly drain off excess water.
3. Petroleum and chemical products may be required to have secure retaining walls to contain spills.
4. Outdoor storage containers must be kept in good condition.
5. The stacking of materials must be done in a safe manner.
6. Outside storage areas must be shielded from the road(s) or from residential areas by berms, landscaping, fencing or any combination of such in order to limit view of the stored materials from the street or highway or neighboring residential properties.
7. Grass, weeds and other vegetation in the storage area must be kept under control at all times.
8. The storage area can not be used to store junk or debris unless this material is planned for removal within 30 days.
9. The outside storage area can not be used for junked, wrecked or pieces of motor vehicles unless specifically allowed in the permit.
10. Garbage and recycling containers must be kept in good condition without any leakage. No offensive wastes shall be discharged into any stream, storm drainage system or sanitary sewer.
11. The outside storage area can not be used for sales or display of new merchandise.

(b) Site Review. In making its decision, the Plan Commission or, upon appeal, the City Council shall evaluate each application and may request assistance from any source that can provide technical assistance. The Plan commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation/use.

(c) Sloped Sites; Unsuitable Soils. Where slopes exceed 6 percent (6%) and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques: terracing, retaining walls, oversized foundations and footings, and drain tile.

(d) Conditional Uses to Comply with Other Requirements. Conditional uses shall comply with all other provisions of this chapter such as lot width and area, yards, height, parking and loading. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards, or possibility of accident.

(e) Conditional use permits to be in writing. Each conditional use permit shall be in writing and shall specify the legal description, address and tax parcel number for the site. The permit shall describe the nature of the permission granted and the conditions and guarantees applicable to the permit. Each permit shall be signed by the Chairperson of the Plan Commission, or Zoning Administrator or City Administrator, except for conditional use approvals for temporary uses. The Zoning Administrator shall assure that each permit is promptly recorded in the office of the Sauk County Register of
Deeds, unless otherwise directed by the Plan Commission or City Council.

(f) **No Precedent Established.** The City’s approval of a requested conditional use shall be considered the approval of a unique request and shall not be construed as precedent for any other proposed conditional use.

(g) **Effect of Denial.** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of Denial, except upon proof of new material evidence, or a material change in circumstances.

(h) **Termination of an Approved Conditional Use.** Upon approval by the Plan Commission or, upon appeal, by the City Council, the applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property. Once a conditional use is granted, no Erosion Control Permit, Site Plan approval, Certificate of Occupancy, or Building Permit shall be issued for any development that does not comply with all requirements of this Ordinance. Any conditional use found not to be in compliance with the terms of this Zoning Code shall be considered in violation of this Zoning Code and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Plan Commission, or upon appeal by the City Council following the procedures outlined in §17.37(8).

(i) **Time Limits on the Development of Conditional Use.** The start of construction of any and all conditional uses shall be initiated within 365 days of their approval by Plan Commission, or, upon appeal, by the City Council and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, “operational” shall be defined as the granting of a Certificate of Occupancy for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by City Council and shall be based upon a showing of acceptable justification (as determined by City Council).

(j) **Discontinuing an Approved Conditional Use.** Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

(k) **Change of Ownership.** All requirements of the approved conditional use shall be continued regardless of ownership of the subject property, except where limited explicitly by the Plan Commission or City Council. Modification, alteration, or expansion of any conditional use in violation of the permit as approved without advance approval by the Plan Commission or, upon appeal, by the City Council, shall be grounds for revocation of said conditional use approval. For Bed and Breakfast land uses the granting of a conditional Use Permit shall be valid while said property is owned by the owner at time of conditional use approval.

(l) **Notice to the DNR.** The City Clerk shall transmit a copy of each application for a conditional use for conservancy regulations in the Shoreland-Wetland, Floodway, Floodplain, or Floodfringe to the Wisconsin Department of Natural Resources (DNR) for review and comment at least 10 days prior to any public hearings. Final action on the application shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to conditional uses for shoreland-wetland conservancy regulations or to floodland regulations shall be transmitted to the DNR within 10 days of the date of such decision.

(m) **Uses Now Regulated as Conditional Uses which were Approved as Legal Land Uses – Permitted by Right or as Conditional Uses – Prior to the Effective Date of this Ordinance.** A use now regulated as a conditional use which was approved as a legal land use – either permitted by right or as a conditional use – prior to the Effective Date of this Ordinance shall be considered as a legal conforming conditional land use so long as the previously approved conditions of use and site plan are followed. Any modification of the previously
approved conditions of use or site plan shall require application and City consideration under this section.

(n) Any non-conforming sign, whether lawful or unlawful, located on lands for which a conditional use permit is proposed shall be discontinued and removed or shall be brought into compliance with the City Sign Code, Subch. III, as a condition of granting a conditional use permit except that a special zoning exception shall be granted for the pylon sign located at 101 South Boulevard thereby excepting this sign from the provisions of this ordinance until the completion of the reconstruction of the Broadway Street Bridge. This special zoning exception shall sunset six months after the date of the completion of the Broadway Street Bridge reconstruction and the future treatment of this sign after the sunset date shall be determined by the Common Council, after review and recommendation of the Plan Commission. (2005 02/22/00, 2115 04/08/03)

(o) Reimbursement for Professional Consultants (2108 03/09/04) – If the City retains the services of professional consultants, including, but not limited to, planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and/or other experts to assist the City in its review of a proposed conditional use permit or special zoning exception coming before the Plan Commission and/or the Common Council, the applicant/developer may be required to reimburse the City for the costs incurred by the City to retain the services of such professional consultants and such reimbursement shall be in addition to the filing or permit fees, publication expenses, recording fees, and other fees paid by the applicant/developer. The applicant/developer shall reimburse the City for said costs promptly upon being invoiced for the same and the City may withhold issuance of a permit or delay final approval of a permit until the said costs and fees are reimbursed to the City in full. If the costs and fees are not reimbursed to the City within thirty (30) days of the date of billing, an additional administrative collection charge of 10% of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid and such charge shall be extended upon the current or next tax roll as a charge against the subject property for current services as provided in § 66.0627, Wis. Stats. The City may require the applicant/developer to enter into an agreement providing for the reimbursement to the City for said costs and the said agreement may require the applicant/developer to file with the City an Irrevocable Letter of Credit or other appropriate sureties meeting the approval of the City Attorney equal to the estimated cost of said services. Any applicant/developer upon whom a charge has been imposed under this subsection may appeal the amount thereof by filing a Notice of Appeal with the City Clerk within thirty (30) days of the date of determination appealed from. The Notice of Appeal shall state in detail the relief sought and any legal or factual basis for the relief requested and shall include all supporting documentation upon which the applicant/developer relies upon in making the appeal. The burden shall be on the applicant/developer to establish the impropriety of the charge upon which the appeal has been taken. If, at the time of the filing of the Notice of Appeal the charge appealed from has been paid in full, or if the Notice of Appeal is accompanied by a bond or other sufficient surety satisfactory to the City and Attorney in an amount equal to the charge due and all other requirements have been satisfied, the permit for the development may be issued. The filing of an appeal shall not stay the collection of the charge due unless a bond or other sufficient surety has been filed. The appeal shall be submitted to the Finance Committee for its review and recommendation to the City Council and within sixty (60) days of the date of the filing of the appeal with the City Clerk, the City Council shall provide the applicant/developer with an opportunity to address the Council on the issue on appeal and the City Council shall deliberate upon the matter and shall decide the appeal. The decision of the City Council may be appealed by the applicant/developer by commencing an action by certiorari in the Sauk County Circuit Court within thirty (30) days after the date on which the Council adopted a resolution with respect to the appeal.

(6) DETAILED LAND USE DEFINITIONS AND CONDITIONAL USE REQUIREMENTS. The following land use definitions and detailed conditional use requirements shall be applicable to all new and modified developments that contain conditional uses. Where instances of disputed land use definitions or detailed requirements arise within the context of this Zoning Code, the provisions of this Subsection shall prevail.
(a) **Group Developments**. Description:
A group development is any development containing:
1. Two or more structures containing principal permitted land uses on the same lot, and/or
2. Any single structure devoted to institutional, office or commercial land uses containing more than 40,000 gross square feet of floor area.

Common examples of group developments include condominium complexes, strip centers, shopping centers, and office centers. One tenant office or commercial buildings containing less than 40,000 square feet of gross floor area are not group developments even though such developments may contain parcels under common ownership.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations (All Zoning Districts): Any land use that is permitted as a Permitted by Right land use or as a conditional land use within the applicable zoning district(s) is permitted to locate within a group development. The detailed land use regulations of this Subsection that pertain to individual land uses shall also apply to individual land uses within a Group Development, as well as all other applicable provisions of this Zoning Code. Therefore, land uses permitted by right in the Zoning District shall be permitted by right within an approved Group Development (unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the Group Development as a whole), and land uses permitted as a conditional use in the Zoning District shall be permitted within the Group Development only with conditional use approval for the specific use. In all cases, the following conditional use conditions shall be applied to the Group Development as a whole, and to individual uses within the Group Development:

a. All required off-street parking spaces and access drives shall be located entirely within the boundaries of the group development. No Group Development shall take access to a local residential street.

b. The development shall contain a sufficient number of waste bins to accommodate all trash and waste generated by the land uses in a convenient manner.

c. All development located within a group development shall be located so as to comply with the intent of this Chapter regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory structures and buildings located within group developments shall be situated within building envelopes that serve to demonstrate complete compliance with said intent. Said building envelopes shall be depicted on the site plan required for review of group developments. The use of this approach to designing group developments will also ensure the facilitation of subdividing group developments in the future, (if such action is so desired).

d. The following standards shall apply to all new institutional, commercial, and office buildings in excess of 40,000 gross square feet and to all multi-building Group Developments in which the combined total of all structures on a site, regardless of diverse ownership, use or tenancy, combine to exceed 40,000 square feet. These conditions shall also be applied to the entire building and site in instances where building additions bring the total building size to over 40,000 gross square feet. Such conditions shall apply to both the building additions and to older portions of the building and the site that were constructed prior to the adoption of this Section. This 40,000 square foot limit shall apply to individual free-standing buildings and to Group Developments in which the combined total of all buildings...
structures on a site, regardless of diverse use or tenancy, combine to more than 40,000 gross square feet:

[1] Building exterior materials shall be of high quality on all sides of the structure including glass, brick, stone, decorative concrete block, architectural concrete panels, or stucco. Decorative architectural metal with concealed fasteners may be approved with special permission from the City.

[2] Building exterior design shall be unified in design and materials throughout the structure, and shall be complementary to other structures in the vicinity. However, the development shall employ varying building setbacks, height, roof, treatments, door and window openings, and other structural and decorative elements to reduce the apparent size and scale of the structure. A minimum of 20 percent of the combined facades of the structure shall employ actual façade protrusions or recesses. A minimum of 20 percent of the combined linear roof eave or parapet lines of the structure shall employ differences in height of eight feet or more. Roofs with particular slopes may be required by the City to complement existing buildings or otherwise establish a particular aesthetic objective.

[3] Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.

[4] Standard Corporate Trademark building designs, materials, architectural elements, and colors all shall be acceptable, as determined by the City, only as subtlety integrated into the more generic design of the building as a whole. Color schemes of all architectural elements shall be muted, neutral, non-reflective and non-use nor tenant specific.

[5] Public entryways shall be prominently indicated from the building’s exterior design, and shall be emphasized by on-site traffic flow patterns. All sides of the building that directly face or abut a public street shall have public entrances.

[6] Loading areas shall be completely screened from surrounding roads, residential, office, and commercial properties. Said screening may be through internal loading areas, screen wall which will match the building exterior in materials and design, full opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security purposes, but not for screening, and shall be of high aesthetic quality.

[7] Vehicle access from public streets shall be designed to accommodate peak annual 20th hour traffic volumes without disrupting traffic on public streets from
inadequate throat length access drive width or design or inadequate driveway location. The impact of traffic generated by the proposed development shall be demonstrated by; a traffic impact analysis performed by the applicant’s traffic engineer to not adversely impact off site public roads, intersections, interchanges during the peak annual 20th hour. Where the project shall adversely impact off-site traffic, the City may deny the application, may require a size reduction in the proposed development, or may require off-site improvements.

[8] Parking lot design shall employ interior landscaped islands with a minimum of 400 square feet at all parking isle ends, and in addition shall provide a minimum of one landscaped island of a minimum of 400 square feet in each parking isle for every 20 cars in that aisle. Aisle-end islands shall count toward meeting this requirement. Landscaped medians shall be used to break large parking areas into distinct pods, with a maximum of 100 spaces in any one pod.

[9] A minimum of one two-hundred square foot cart return area shall be provided for every parking area pod. There shall be no exterior cart return nor cart storage areas located within twenty-five feet of the building in areas located between the building and a public street.

[10] The applicant shall demonstrate full compliance with City standards for storm water, utilities, erosion control and public safety.

[11] A conceptual plan for exterior signage shall be provided at time of Detailed Site Plan or GDP that provides for coordinated and complimentary exterior sign location, configurations, and colors throughout the planned development. All freestanding signage within the development shall complement the on-building signage. Free-standing sign materials and design shall compliment building exterior, and may not exceed the maximum height requirement of the zoning ordinance.

[12] The entire development shall provide for full and safe pedestrian and bicycle access within the development, and shall provide appropriate connections to the existing and planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods, including sidewalk connections to all building entrances from all public streets. The development shall provide secure bicycle parking and pedestrian furniture in appropriate quantities and locations.

[13] Where such developments are proposed to provide a new location for a business already located within the community, a required condition of approval for the new development shall be a prohibition on conditions of sale, lease,
or use of the previously occupied building or site which provide limits beyond the range of applicable local, state or federal regulations. If such limits are required, the applicant may seek City approval to demolish the previously occupied structure and prepare the site for some future development.

[14] The applicant shall provide adequate evidence that the proposed development and uses cannot be adequately sited within or on existing developed properties or buildings within the community.

[15] If the City retains the services of professional consultants, including, but not limited to, planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and/or other experts to assist the City in its review of a proposed land use development application coming before the Plan Commission and/or the Common Council, the applicant/developer may be required to reimburse the City for the costs incurred by the City to retain the services of such professional consultants and such reimbursement shall be in addition to the filing or permit fees, publication expenses, recording fees, and other fees paid by the applicant/developer. The applicant/developer shall reimburse the City for said costs promptly upon being invoiced for the same and the City may withhold issuance of a permit or delay final approval of a permit until the said costs and fees are reimbursed to the City in full. If the costs and fees are not reimbursed to the City within thirty (30) days of the date of billing, an additional administrative collection charge of 10% of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid and such charge shall be extended upon the current or next tax roll as a charge against the subject property for current services as provided in §66.0627, Wis. Stats. The City may require the applicant/developer to enter into an agreement providing for the reimbursement to the City for said costs and the said agreement may require the applicant/developer to file with the City an Irrevocable Letter of Credit or other appropriate sureties meeting the approval of the City Attorney equal to the estimated cost of said services. (1961 12/22/98).

[16] Storm Water Drainage Facilities – The Development Plan shall include a storm drainage system to accommodate all water flowing through and within the development. Where the development is traversed by a watercourse, stream, drainageway, channel, or natural water course, an adequate drainageway or easement shall be required subject to the approval of the City Engineer and/or City consultants, and parallel streets or parkways may also be required in connection therewith. The development shall be
designed and constructed to include storm water drainage facilities which may include curbs and gutters, catch basins, and inlets, storm sewers, road ditches, retention basins, drainageways and open channels, as may be required. All such facilities shall be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow of all water flowing through and within the development and the type of facility required, the design criteria and the size and grades shall be determined by the City Engineer and/or City consultants. Storm drainage facilities shall be so designed so as to present no hazard to life or property and the size, type, and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and standards specifications approved by the city Engineer and/or City consultants.

(7) DISCRIMINATION AGAINST CONDOMINIUM FORMS OF OWNERSHIP. It is not the intent of this Subsection, nor any other provision of this Zone Code, to discriminate against condominium forms of ownership in any manner which conflicts with Wis. Stats. 703.27. As such, the provisions of this Section are designed to ensure that condominium forms of ownership are subject to the same standards and procedures of review and development as other physically identical forms of development.

(8) COMPLAINTS REGARDING CONDITIONAL USES. The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuation of any unauthorized alterations of an approved conditional use, and/or the elimination, removal or discontinuation of any violation of a condition imposed prior to or after approval or of any violation of any other provision of City Codes.

Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in this section, a condition of approval, or other requirement imposed here-under. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in §17.37(3)(a).

Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in this section or with the conditions previously imposed by the Plan Commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use.

Additionally, the offending party may be subjected to enforcement provisions of §17.54 of the Zoning Code. In the event that no reasonable modification of such conditional use
can be made in order to assure that standards set forth in this section will be met, the Plan Commission may revoke the subject conditional approval and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use.

Following any such hearing, the decision of the Plan Commission shall be furnished to the current owner of the conditional use, in writing, stating the reasons therefore. An appeal from a decision of the Plan Commission under this subsection may be taken to the City Council as provided in Subs. (4).

(9) SIDE-BY-SIDE SINGLE FAMILY ATTACHED DWELLINGS. When permitted in a zoning district, side-by-side single family attached dwellings shall be a conditional use. Such dwellings shall be attached structures not exceeding two single family dwelling units with one common wall and lot line. (2250 04/10/07, 2257 05/22/07)

(a) No conditional use shall be granted for such dwellings unless all of the following pre-conditions are met:

1. Each unit maintains a minimum lot of 33 feet in width throughout the required lot area.
2. All building code, fire prevention, minimum lot size (for the combined lots), and lot line setbacks shall apply.
3. The lots for the side-by-side single family attached dwellings shall be created by a certified survey map.
4. The dwellings are separated by a one-hour firewall extending from the basement to the roof of the dwellings.
5. The dwelling contains not more than two single family dwelling units and share a single common wall and lot line.
6. At a minimum, the following terms and restrictive covenants are incorporated so as to apply to the property and be a part of the chain of title to the property:

Article 1 – Definitions - For the purpose of this Declaration, the following terms shall have the meanings here ascribed to them:

1. “Living Unit” shall mean and refer to any portion of a residence building situated upon the Properties designed and intended for use and occupancy as a residence by a single family.
2. “Lot” shall mean and refer to any portion of land in the Properties upon which a Living Unit is situated, whether or not the same is a platted lot.
3. “Owner” shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers and vendees, but excluding those having such interest merely as security for the performance of an obligation, and excluding those having a lien upon the property by provision or operation of law.
4. “Properties” shall mean and refer to the real property hereinbefore described.
5. “Zero (0) Lot Line” means side by side single family attached dwelling.

Article II – Shared Walls

1. General Rules of Law to Apply. Each wall which is built as part of the general construction of any Living Unit upon the Properties and placed on the dividing line between two Living Units shall constitute a party wall and to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and of liability for property damage due to negligent or willful acts or omissions shall apply thereto. Whenever improvements abut on the common boundary line between adjoining units there shall be a one-hour firewall running from the lowest floor level, including the basement if it is the common wall, to the underside of the roof sheathing. Such basement wall, if any, shall be waterproofed masonry.

2. Shares of Repair and Maintenance. The cost of reasonable repair and maintenance of each party wall
shall be shared by the Owners in equal share.

3. Destruction by Fire or Other Casualty. If a party wall is destroyed or damaged by fire or other casualty or by physical deterioration, any Owner who has used the wall may restore it, and shall have an easement over the adjoining Living Unit for purposes of making such restoration, and if other Owners thereafter make use of the wall they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such Owner to call for a larger contribution from other Owners under any rule of law regarding liability for negligent or willful acts or omissions.

4. Weatherproofing. Notwithstanding any other provision of this Article, any Owner who by his negligent or willful act, causes any party wall to be exposed to the elements or excessive heat or cold shall bear the whole cost of furnishing the necessary protection against such elements or heat or cold, and of repairing the party wall from damages caused by such exposure.

5. Right to Contribution Runs with Land. The right of any Owner to contribution from any other Owner under this Article shall be appurtenant to the Lot and shall pass to such Owner’s successors in title.

6. Arbitration. In the event of any dispute arising concerning a party wall, or under the provision of this Article, each party shall choose one arbitrator and such arbitrators shall choose one additional arbitrator, and the decision of a majority of all the arbitrators shall be final and conclusive of the question involved. If either party refuses or fails to promptly appoint an arbitrator, the same may be appointed by any Circuit Judge of Sauk County, Wisconsin. Arbitration shall be in accordance with the rules of the American Arbitration Association.

7. Encroachment. If any portions of a Living Unit or any Lot shall actually encroach upon any other Lot, or if any such encroachment shall hereafter arise because of settling or shifting of the building or other cause, there shall be deemed to be an easement in favor of the Owner of the encroaching Living Unit to the extent of such encroachment so long as the same shall exist.

8. Construction Liens. Each Owner of a Living Unit (“Defaulting Owner”) agrees to indemnify and hold harmless the Owner of an adjoining Living Unit for any construction liens arising from work done or material supplied to make repairs or replacements for which the Defaulting Owner is responsible.

Article III — Other Provisions
Governing Relationship Among Owners of Adjoining Living Units

1. Insurance — Replacement/Construction. Each Owner shall maintain fire and extended coverage insurance on his Living Unit in the full replacement/construction cost thereof, and shall, in the event of damage to or destruction of his Living Unit, restore it to the condition in which it was prior to the damage or destruction.

2. Maintenance. Each Owner of a Living Unit shall maintain his Lot and the exterior of his Living Unit in good condition and repair and in a clean and neat condition.

3. Architectural Control. (a) The Owner of a Living Unit may replace exterior components of his Living Units with similar components of the same design and color, and may paint the exterior of his Living Unit with paint of the existing color of the exterior, but he may not, either in the course of ordinary replacement or remodeling or restoration after damage or destruction, employ different siding or roofing material or a different color scheme, without the consent of the Owner of the adjoining Unit.

b. In the event of any dispute arising concerning a change in siding or roofing material or color scheme, each party shall choose an arbitrator and such arbitrators shall choose one additional arbitrator, and the decision of a majority of all the arbitrators shall be final and conclusive of the
question involved. The arbitrator’s decision shall be based on their decision of whether the proposed siding or roofing material or color scheme is in harmony with the design of the adjoining Living Unit. If either party refuses or fails to promptly appoint an arbitrator, the same may be appointed by any Circuit Judge for Sauk County, Wisconsin. Arbitration shall be in accordance with the rules of the American Arbitration Association.

4. Easements for Utilities. Each Owner shall have an easement over the property of the other Owner for purposes of maintaining water, sewer, natural gas, telephone, cable TV, and other utilities that may enter the side by side single family attached dwelling from a single source and then branch into each individual family dwelling.

Article IV – General Provisions

1. Enforcement. The Owner of any Living Unit involved shall have the right to enforce, by any proceeding at law of in equity, or both, all of the terms and provisions of this Declaration. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

2. Severability. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

3. Amendments. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them in perpetuity unless an instrument signed by a majority of the then Owners of the Lots and the City of Baraboo has been recorded, agreeing to change said covenants in whole or in part.

4. City. Even though this document was made a condition of a conditional use approval to the undersigned, their assignees, or heirs, absolve the City of any and all liability. Further, the undersigned understand the City of Baraboo is not an enforcing agency to any portion of this document.

(b) When considering whether to grant a conditional use, the Plan Commission shall examine the following factors:

1. The present density of the surrounding neighborhood.

2. Whether the uses, values and enjoyment of other property in the neighborhood will be substantially impaired or diminished.

3. Whether the establishment of the conditional use will impede the normal and orderly development and improvement for uses permitted in the neighborhood.

(10) In considering whether to issue a conditional use permit for a Two-Family Dwelling or a Two-Flat Dwelling, in addition to the other facts as set forth in this Section, the Plan Commission shall consider the following: (2258 05/22/07, 2269 11/27/07)

(a) The present density of the surrounding neighborhood. (2269 11/27/07)

(b) Whether the uses, values, and enjoyment of other property in the neighborhood will be substantially impaired or diminished. (2269 11/27/07)

(c) Whether the establishment of the conditional use will impede the normal and orderly development and improvement for uses permitted in the neighborhood. (2269 11/27/07)

(d) Whether the proposed conditional use permit is for new construction or the conversion of an existing dwelling, and if a conversion, the ease, utility, and cost of reconverting the property back to a single family residence. (2269 11/27/07)

17.38 SATELLITE DISHES.

(1) DEFINITIONS.

(a) Dish-Type Satellite Signal Receiving Antennas. Also referred to as “satellite dishes,” “earth stations,” or “ground stations” shall mean one or a combination of two or more of the following:

1. A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communications or other signals
from satellites in earth orbit and other extraterrestrial sources.

2. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component, the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

3. A coaxial cable, the purpose of which is to carry or transmit electronic or light signals to a receiver.

(b) **Receiver.** A television set or radio receiver.

(c) **Dish.** The part of a satellite-signal-receiving antenna characteristically shaped like a saucer or dish. A dish shall be considered a structure when it exceeds twenty-four (24) inches in diameter.

(d) **Grounding Rod.** A metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

(e) **Exterior communication devices** include any antennas used for communication reception (e.g. satellite dishes, ham radio towers, T.V. antennas). (2260 06/12/07)

(2) **PERMIT REQUIRED.** No person shall construct a satellite dish with a diameter greater than 2 feet without a permit, nor shall construction commence before a permit is issued pursuant to this section.

(3) **APPLICATION FOR PERMIT.** Application for the construction of a satellite dish with a diameter greater than 2 feet shall be submitted to the Building Inspector. Forms supplied by the Building Inspector shall be completed by the owner of the lot or parcel, or by the occupant thereof, with the owner’s written consent.

(4) **FEE.** See the City’s Official Fee Schedule.

(5) **GENERAL REQUIREMENTS FOR SATELLITE DISHES AND EXTERIOR COMMUNICATIONS DEVICES.** Any satellite dish with a diameter greater than 2 feet and all exterior communications devices shall comply with the following requirements: (2260 06/12/07)

(a) No satellite dish shall be constructed in any street or side yard in any Residential District.

(b) Satellite dishes shall comply with the side and rear lot-line dimensions and setback requirements for accessory structures as specified in the district where the dish is located.

(c) No satellite dish shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises, or parcel of land as the dish.

(d) No satellite dish shall exceed 12 feet in diameter.

(e) All satellite dishes must be bonded to a grounding rod.

(f) All satellite dishes and exterior communications devices shall comply with the height requirements specified in the district where the dish is located, and must be sited an equal or greater number of feet from the property lines as their maximum height and may not be located in any front yard. (2260 06/12/07)

(g) All satellite dishes shall be erected and designed so as to reduce visual impact from surrounding property at street level and from public streets.

(h) No sign or other advertisement shall be placed upon or near the satellite dish unless the sign complies with this Chapter and the City Codes.

(i) The applicant must demonstrate that all reasonable mechanisms have been used to mitigate safety hazards and the visual inputs of the device. (2260 06/12/07)

(6) **TEMPORARY PLACEMENT PERMITTED.** Satellite dishes with a diameter greater than 2 feet may be temporarily located on a lot or parcel for the purpose of testing reception for a period not to exceed ten (10) days in any calendar year without a permit, provided that the dish is in compliance with the provisions of subsection (5) above.

(7) **COMMUNICATION TOWERS.** (2260 06/12/07) Definition: Communication towers include all free-standing broadcasting, receiving, or relay structures, and similar principal land uses; and any office, studio or other land uses directly related to the function of the tower.

(a) **Regulations:**

1. Tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property.
2. Towers shall meet all setback and location requirements for accessory structures for the specific zoning district in which they are located.

3. In all districts, ground-mounted towers may not exceed 20 feet in height or the minimum height necessary to adequately receive communications, whichever is greater.

4. Co-location: To minimize the number of tower sites, towers are required to be placed or constructed so that they may be utilized for the co-location of antenna arrays unless the applicant demonstrates to the satisfaction of the Plan Commission that the following standards are met:

   a. No existing communication tower is located within the area in which the applicant's equipment must be located is of sufficient height to meet the applicant's requirements and the deficiency in height cannot be remediated at a reasonable cost.

   b. No existing communication tower within the area in which the applicant's equipment must be located has sufficient structural strength to support the applicant's equipment and the deficiency cannot be remediated at a reasonable cost.

   c. The applicant's equipment would cause electromagnetic interference with equipment on all existing communication towers within the areas in which the applicant's tower must be located, or the equipment on the existing communication tower would cause interference with the applicant's equipment and the interference from whichever source cannot be eliminated at a reasonable cost.

   d. The fees, costs, or contractual provisions required by the owners of all otherwise feasible towers in order to co-locate on an existing communication tower are unreasonable relative to industry norms.

   e. There are other factors which render existing communication towers unsuitable or unavailable and the public interest is best served by the placement or construction of a new communication tower.

   (b) Conditional Use Permit Required. A conditional use permit shall be required for communication towers, and the process and procedures of §17.37, Ordinances, shall be utilized.

17.38A WIND ENERGY SYSTEM ORDINANCE
(2334 02/23/2010)

(1) TITLE. This ordinance may be referred to as the City of Baraboo Wind Energy System Ordinance.

(2) AUTHORITY. This ordinance is adopted pursuant to authority granted by Wis. Stat. §66.0401.

(3) PURPOSE - PUBLIC HEALTH AND SAFETY. The purpose of this ordinance is to:

   (a) Oversee the permitting of wind energy systems; and

   (b) Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a wind energy system in accordance with Wis. Stat. § 66.0401.

(4) NO WIND ACCESS PERMITS. This ordinance does not create or provide for the issuance of any wind access permits with the meaning of section 66.0403, Wis. Stats.

(5) DEFINITIONS. Unless specifically defined below, words or phrases used in this subchapter shall be interpreted so as to give them the same meaning as they have at common law.

   (a) Administrator means the City of Baraboo Zoning Administrator.

   (b) Plan Commission means the Plan Commission of the City of Baraboo.

   (c) Meteorological Tower (MET tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
Owner means the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance when first placed in operation.

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

Small Wind Energy System means a wind energy system that:
1. Is used to generate electricity;
2. Has a nameplate capacity of 100 kilowatts or less; and
3. Has a total height of 170 feet or less.

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

Wind Energy System means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Wis. Stat. §66.0403(1)(m)). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

Wind Generator means blades and associated mechanical and electrical conversion components mounted on top of the tower.

STANDARDS.

Accessory Structure. A wind energy system shall constitute an accessory structure. Only one system is allowed per lot.

Permitted Use. A wind energy system shall be a permitted use in all zoning districts providing that the conditions of this ordinance are met.

Setbacks.
1. A ground mounted wind tower for a wind system shall be set back a distance equal to its height as measured from the base walking surface to the tip of the rotor blade when the blade is at its highest point from the following:
   a. Any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;
   b. Any overhead utility lines (including cable television, telephone, and fiber optic cable) within such right of way, unless written permission is granted by the affected utility; and
   c. All property lines of the owner's lot, unless written permission is granted from the other affected land owners.

2. A roof mounted wind tower for a wind system shall be set back a distance equal to the height as measured from the unit's base to the tip of the rotor blade when the blade is at its highest point from the following:
   a. Any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;
   b. Any overhead utility lines (including cable television, telephone, and fiber optic cable) within such right of way, unless written permission is granted by the affected utility; and
   c. All property lines of the owner's lot, unless written permission is granted from the other affected land owners.

Mounting. Only small wind energy systems may be roof-mounted.

Access.
1. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

Electrical Wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

Minimum Height. The height of the lowest part of the blade shall be a minimum of eight feet above its base.

Lighting. A wind tower and generator shall not be artificially lighted unless
such lighting is required by the Federal Aviation Administration.

(i) Sound Levels and Measurement.
1. Audible sound due to wind energy system operations shall not exceed fifty (50) dBA for any period of time, when measured at the property line of any residence, school, hospital, church or public library existing on the date of approval of any wind energy system zoning permit.

2. In the event audible sound due to wind energy system operations contains a steady pure tone, such as a whine, screech, or hum, audible sound due to wind energy system operations shall not exceed forty-five (45) dBA for any period of time, when measured at the property line of any residence, school, hospital, church or public library existing on the date of approval of any wind energy system zoning permit. A steady pure tone is defined to exist if the sound level of any one-third octave exceeds the sound levels of the two (2) contiguous one-third (1/3) octave bands by five (5) or more dB for any period of time.

3. If the ambient sound level (exclusive of the wind energy system) exceeds the applicable standards given above, the applicable standards shall be adjusted to equal the ambient sound level. The ambient sound level shall equal the L10 sound level for full spectrum sound, expressed in dBA. For steady pure tones, the ambient sound level shall equal the L10 sound levels of the one-third (1/) octave band that exceeds the sound levels of the two (2) contiguous one-third (1/3) octave bands by five (5) or more dB for any period of time, expressed in dB.

4. Ambient sound levels and audible sound due to wind energy system operations shall be measured at the property line of affected existing residences, schools, hospitals, churches and public libraries. Sound level measurement techniques shall employ all practical means of reducing the effect of wind generated sound at the microphone.

5. In the event audible sound due to wind energy system operations exceed the audible sound standards listed above, a waiver of said standards may be granted by the Plan Commission provided that the following has been accomplished:
   a. Written consent from the affected property owners has been obtained stating that they are aware of the wind energy system and the audible sound standards imposed by this Ordinance, and that they consent to allow sound levels to exceed the audible sound standards otherwise allowed; and
   b. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent sound impact easement shall be recorded in the Office of the Register of Deeds which describes the benefited and burdened properties that sound levels in excess of audible sound standards permitted by this Ordinance may exist on or at the burdened property.

(j) Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless otherwise approved in the zoning permit.

(k) Signs. All signs, other than the manufacturer’s or installer’s identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road are prohibited.

(l) Code Compliance. A small wind energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code.

(m) Utility Notification and Interconnection. Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin’s Rule 119, “Rules for Interconnecting Distributed Generation Facilities.”
(n) **MET towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.**

(o) **Zoning Districts.** Residential Zoning Districts (including R-1, R-1A, R-2, R-3, R-4, R-5, MH-1, and MH-2) and Commercial Districts (including B-1, B-2, B-3, and I-4) shall be limited to Small Wind Energy Systems. All other Zoning Districts may be approved for either Small Wind Energy Systems or Wind Energy Systems.

7 USE PERMIT REQUIREMENTS.

(a) **USE PERMIT.** A use permit shall be required for the installation of a small wind energy system.

(b) **DOCUMENTS.** The use permit application shall be accompanied by a plot plan which includes the following:
   1. Property lines and physical dimensions of the property.
   2. Location, dimensions, and types of existing major structures on the property.
   3. Location of the proposed wind system tower.
   4. The right-of-way of any public road that is contiguous with the property.
   5. Any overhead utility lines.
   6. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
   7. Tower foundation blueprints or drawings.
   8. Tower blueprint or drawing.

(c) **COMPLETED APPLICATION DETERMINATION.** The Zoning Administrator shall determine whether the application for a small wind energy system is complete no later than 45 days after the application is filed, and shall notify the applicant about the determination in writing by first class mail. As soon as possible after receiving the application for approval, the City shall publish a Class 1 notice, under Ch. 985 Stats., stating that an application for approval has been filed with the City. If the zoning administrator determines that the application is incomplete, the notice shall state the reason for the determination. An applicant may supplement and re-file an application that the zoning administrator has determined to be incomplete. There is no limit on the number of times that an applicant may re-file an application for approval. If the zoning administrator fails to determine whether an application for approval is complete within 45 days after the application is filed, the application shall be considered to be complete. A political subdivision may not consider an applicant's minor modification to the application to constitute a new application for the purposes of this subsection.

(d) **NOTICE TO ADJOINING LAND OWNERS.** On the same day that an applicant makes an application for approval under subd. 1. for a wind energy system, the applicant shall mail or deliver written notice of the application to the owners of land adjoining the site of the wind energy system, and shall certify under oath that notice has been mailed or delivered, including the names and addresses of those receiving notice.

(e) **FEES.** The application for a use permit for a wind energy system must be accompanied by the fee required for a zoning permit for a Permitted Accessory Use. The fee shall be the same as for a Conditional Use Permit.

8 HEARING ON APPLICATION.

(a) **The Plan Commission shall meet to approve or disapprove an application for approval of a wind energy permit no later than 90 days after the day on which the Zoning Administrator notifies the applicant that the application for approval is complete. If the Plan Commission fails to act within the 90 days, or within any extended time period established under sub. (2), the application is considered approved.**

(b) **The Plan Commission may extend the time period in par. (a) if, within that 90-day period, the Plan Commission authorizes the extension in writing. Any combination of the following extensions may be granted, except that the total amount of time for all extensions granted under this paragraph may not exceed 90 days:**
   1. An extension of up to 45 days if the Plan Commission needs additional information to determine whether to approve or deny the application for approval.
2. An extension of up to 90 days if the applicant makes a material modification to the application for approval.

3. An extension of up to 90 days for other good cause specified in writing by the political subdivision.

(c) The Plan Commission shall make a record of its decision making on an application for approval, including a recording of any public hearing, copies of documents submitted at any public hearing, and copies of any other documents provided to the City of Baraboo in connection with the application for approval. The Plan Commission’s record shall conform to the Public Service Commission’s rules promulgated under §196.378(4g)(c)2, Wisc. Stats. The Plan Commission shall base its decision on an application for approval on written findings of fact that are supported by the evidence in the record. The Plan Commission’s procedure for reviewing an application for approval shall conform to the Public Service Commission’s rules promulgated under §196.378(4g)(c)3, Wisc. Stats.

(9) EXPIRATION. A permit issued pursuant to this ordinance shall expire if:

(a) The small wind energy system is not installed and functioning within 24 months from the date the permit is issued; or,

(b) The small wind energy system is out of service or otherwise unused for a continuous 12-month period.

(10) ABANDONMENT.

(a) A wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.

(b) If the wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the Owner’s sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Administrator may pursue a legal action to have the wind generator removed at the Owner’s expense.

(11) VIOLATIONS. It is unlawful for any person to construct, install, or operate a wind energy system without a use permit or that is not in compliance with this ordinance or with any condition contained in a zoning permit issued pursuant to this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt and are deemed legal, nonconforming structures to the extent they are lawful under the zoning ordinance prior to adoption of this ordinance and are not in compliance with the terms of this ordinance.

(12) ADMINISTRATION AND ENFORCEMENT.

(a) This ordinance shall be administered by the Zoning Administrator or other official as designated.

(b) The Zoning Administrator may enter any property for which a wind energy permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.

(c) The Administrator may issue orders to abate any violation of this ordinance.

(d) The Administrator may issue a citation for any violation of this ordinance.

(e) The Administrator may refer any violation of this ordinance to legal counsel for enforcement.

(13) PENALTIES.

(a) Any person who fails to comply with any provision of this ordinance or a zoning permit issued pursuant to this ordinance shall be subject to enforcement and penalties as set forth in section 25.04, Code of Ordinances.

(b) Nothing in this section shall be construed to prevent the City of Baraboo from using any other lawful means to enforce this ordinance.

(14) SEVERABILITY. The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the
validity or effectiveness of the remainder of the ordinance.

17.39 VISION CLEARANCE

(1) VISION CLEARANCE TRIANGLE DEFINED. A triangular-shaped parcel of land established at street intersections wherein no object over twenty-four (24) inches in height shall be erected, placed, planted, or allowed to exist in such a manner as to limit or obstruct the site distance of motorists, bicycles, and/or pedestrians entering or leaving the intersection. The following diagrams show the area required for vision clearance triangle at different types of intersections.
(2) OBSTRUCTION OF VIEW AT INTERSECTIONS PROHIBITED. After July 1, 1986, no person shall erect, place, plant, grow or allow to exist any tree, shrub, plant, or other tangible object greater than twenty-four (24) inches in height within any vision clearance triangle, as defined herein, or which object may obstruct the view of the operator of a motor vehicle or bicycle, or the view of a pedestrian, entering, exiting or approaching an intersection. The Zoning Administrator may order the removal of any tree, shrub, plant or any other tangible object located within any vision clearance triangle or which, in his or her judgment, may obstruct the view of the operator of a motor vehicle or bicycle, or the view of a pedestrian, entering, exiting or approaching any intersection, at any time of the year, within the City. This subsection shall not apply to traffic signs authorized in the City Code for regulating traffic or to snow banks deposited by the City.

17.40 LOADING REQUIREMENTS. In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

(1) SIZE AND LOCATION. Each loading space shall be graded and surfaced with asphalt or concrete, not less than 12 feet in width, 35 in length. It shall have a minimum vertical clearance of 14 feet and may occupy part of any required yard.

(2) OFF-STREET LOADING SPACES REQUIRED.

<table>
<thead>
<tr>
<th>Uses</th>
<th>Floor Area (Sq. Ft.)</th>
<th>Off-Street Loading Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Funeral Home</td>
<td>N/A</td>
<td>One (1) space</td>
</tr>
<tr>
<td>(b) Hospital</td>
<td>Under 10,000</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>10,000 to 30,000</td>
<td>One (1) space</td>
</tr>
<tr>
<td></td>
<td>Each additional 30,000 or major fraction thereof</td>
<td>One (1) additional space</td>
</tr>
<tr>
<td>(c) Office, hotel, retail, service, wholesale, warehouse manufacturing, processing or repairing uses</td>
<td>Under 10,000</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>10,000 to 25,000</td>
<td>One (1) space</td>
</tr>
<tr>
<td></td>
<td>25,001 to 40,000</td>
<td>Two (2) spaces</td>
</tr>
<tr>
<td></td>
<td>40,001 to 60,000</td>
<td>Three (3) spaces</td>
</tr>
<tr>
<td></td>
<td>60,001 to 100,000</td>
<td>Four (4) spaces</td>
</tr>
<tr>
<td></td>
<td>Each addtl 50,000 or major fraction thereof</td>
<td>One (1) additional space</td>
</tr>
<tr>
<td>(d) School, governmental</td>
<td>N/C</td>
<td></td>
</tr>
</tbody>
</table>
In all districts, except the Central Business District (B-1) and in connection with every use, there shall be provided, at the time any use or building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with the following:

(a) Adequate access to a public street shall be provided for each parking space.

(b) The size of each parking space shall be not less than 180 square feet exclusive of the space required for ingress and egress.

(c) The location shall be on the same lot or property as the principal use but not over 400 feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than 25 feet to a residential district.

All off-street parking areas shall be graded and surfaced so as to be dust free and shall be properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.

Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

Security fences are permitted on property lines in all districts, except residential districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(2) OFF-STREET PARKING STALLS REQUIRED. In all districts, except the Central Business District (B-1), the parking stalls required are as follows:

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Bed-and-breakfast establishments.</td>
<td>One (1) off-street stall for each guest room.</td>
</tr>
<tr>
<td>(b) Bowling alleys.</td>
<td>Five (5) stalls for each alley.</td>
</tr>
<tr>
<td>(c) Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly.</td>
<td>One (1) stall for every five (5) seats.</td>
</tr>
<tr>
<td>(d) Clinics.</td>
<td>Three (3) stalls for each doctor.</td>
</tr>
<tr>
<td>(e) Colleges, universities, secondary &amp; elementary schools.</td>
<td>One (1) stall for every two (2) employees, plus one (1) stall for every ten (10) students 16 years of age or over.</td>
</tr>
<tr>
<td>(f) Financial institutions, and business, government, and professional offices.</td>
<td>One (1) stall for every 300 square feet of floor area.</td>
</tr>
<tr>
<td>(g) Funeral homes.</td>
<td>One (1) stall for every four (4) seats.</td>
</tr>
<tr>
<td>(h) Hospitals, sororities, dormitories, lodging and boarding houses.</td>
<td>One (1) stall for every two (2) beds, plus one (1) stall for every three (3) employees.</td>
</tr>
<tr>
<td>(i) Hotels and motels.</td>
<td>One (1) stall for each guest room, plus one (1) stall for every three (3) employees.</td>
</tr>
<tr>
<td>(j) Manufacturing and processing plants, laboratories, and warehouses.</td>
<td>One (1) stall for every two (2) employees.</td>
</tr>
<tr>
<td>(k) All residential dwellings.</td>
<td>Two (2) stalls for each dwelling unit.*</td>
</tr>
<tr>
<td>(l) Restaurants, clubs, lodges, bars, places of entertainment, repair shops, and retail and service stores.</td>
<td>One (1) stall for every one hundred fifty (150) square feet of retail floor space.</td>
</tr>
<tr>
<td>(m) Sanitariums, institutions, rest homes and nursing homes.</td>
<td>One (1) stall for every five (5) beds, plus one (1) stall for every three (3) employees.</td>
</tr>
</tbody>
</table>

For uses not listed above, the provisions for a use which is similar shall apply.

The total number of stalls required for each individual use shall apply for combinations of any of the uses listed above.

* The Zoning Board of Appeals shall be authorized to grant a variance to the off-street parking requirements by allowing 1.5 parking stalls for each dwelling unit in multi-family dwellings occupied solely by elderly or disabled persons. This variance shall be considered pursuant to the provisions of §17.44 except that the petitioner shall not be required to prove unnecessary hardship in order to be eligible for reduced off-street parking requirements as provided herein.

17.42 Reserved. (2300 04/14/2009)

17.43 PERFORMANCE STANDARDS. The chapter permits specific uses in specific districts, and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with their district regulations and with the following performance standards:

(1) SOUND. The volume of sound inherently and recurrently generated shall not exceed the following standards at any point along the boundaries of the district in which the use is located.

(a) Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.

(b) Maximum sound pressure levels shall be measured with a sound-level meter and associated octave-band analyzer conforming to standards prescribed by the American Standards...
Association, and shall not exceed the values for octave bands lying within the several frequency limits given in the following table after the application of appropriate corrections:


<table>
<thead>
<tr>
<th>Frequency Ranges Containing Standard Octave Bands in Cycles per Second</th>
<th>Octave Band Sound Pressure Level in Decibels</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 74</td>
<td>72</td>
</tr>
<tr>
<td>75 - 149</td>
<td>67</td>
</tr>
<tr>
<td>150 - 299</td>
<td>59</td>
</tr>
<tr>
<td>300 - 599</td>
<td>52</td>
</tr>
<tr>
<td>600 – 1199</td>
<td>46</td>
</tr>
<tr>
<td>1200 – 2399</td>
<td>40</td>
</tr>
<tr>
<td>2400 – 4800</td>
<td>34</td>
</tr>
<tr>
<td>Above 4800</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Operation or Noise</th>
<th>Correction in Decibels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daytime Operation Only</td>
<td>+ 5</td>
</tr>
<tr>
<td>Noise of Impulsive Character (e.g., Hammering)</td>
<td>- 5</td>
</tr>
<tr>
<td>Noise of Periodic Character (e.g., Hum, Screech)</td>
<td>+/-5</td>
</tr>
</tbody>
</table>

2. I-2 District.

<table>
<thead>
<tr>
<th>Frequency Ranges Containing Standard Octave Bands in Cycles Per Second</th>
<th>Octave Band Sound Pressure Level in Decibels</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 74</td>
<td>79</td>
</tr>
<tr>
<td>75 - 149</td>
<td>74</td>
</tr>
<tr>
<td>150 - 299</td>
<td>66</td>
</tr>
<tr>
<td>300 - 599</td>
<td>59</td>
</tr>
<tr>
<td>600 – 1199</td>
<td>53</td>
</tr>
<tr>
<td>1200 – 2399</td>
<td>47</td>
</tr>
<tr>
<td>2400 – 4800</td>
<td>41</td>
</tr>
<tr>
<td>Above 4800</td>
<td>39</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Operation or Noise</th>
<th>Correction in Decibels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daytime Operation Only</td>
<td>+ 5</td>
</tr>
<tr>
<td>Noise of Impulsive Character (e.g., Hammering)</td>
<td>△ 5</td>
</tr>
<tr>
<td>Noise of Periodic Character (e.g., Hum, Screech)</td>
<td>△ 5</td>
</tr>
</tbody>
</table>

(c) NOISE. Sirens, whistles and bells that are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this Chapter. (2300 04/14/2009)

(2) VIBRATION. An operation that creates vibrations that can be measured without instruments; e.g., heavy drop forges or heavy hydraulic surges shall be set back as follows:

(a) I-1, B-1, B-2 and B-3 Districts. A distance of not less than 500 feet from all lot lines, except where a lot line abuts an I-2 District, in which case no setback is required.

(b) I-2 District. A distance of not less than 500 feet from the district boundaries.

(3) RADIOACTIVITY. No operation shall be permitted in any district boundary which causes radioactivity in violation of Title 10, Ch. 1, Part 20, Code of Federal Regulations “Standards for Protection Against Radiation,” dated June 16, 1957, or any subsequent revisions or amendments.

(4) ODOR.

(a) I-1, I-3, I-4, A-1, A-2, B-1, B-2 and B-3 Districts. In these Districts, no emission of odorous gas or other odorous matter, in such quantity as to be readily detectable at any point along lot lines without the use of instruments, shall be permitted. (2015 05/09/2000)

(b) I-2 District. In this District, no emission of odorous gas or other odorous matter, in such quantity as to be readily detectable at any point along the district boundaries without the use of...
instruments and in such quantity as to produce a public nuisance or hazard beyond lot lines, shall be permitted.

(5) **TOXIC OR NOXIOUS MATTER.** No discharge beyond lot lines of any toxic or noxious matter, in such quantity as to be detrimental to or endanger the public health, safety, comfort, welfare, or cause injury or damage to property or business, shall be permitted in any district boundary.

(6) **GLARE.** No hazardous direct or reflected glare from any district shall be detectable from any district boundary.

(7) **HEAT.** No hazardous direct or reflected heat from any district shall be detectable from any district boundary.

(8) **DUST.** No solid or liquid particles emitted in concentrations exceeding the Wisconsin Department of Natural Resources’ limitations shall be detectable from any district boundary.

(9) **FLY ASH.** No emission of fly ash from any district shall be in excess of the quantity specified in the following table:

<table>
<thead>
<tr>
<th>Heat in Fuel Burned (BTUs per hour)</th>
<th>Fly Ash: Rate of Emission (lbs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000,000</td>
<td>1</td>
</tr>
<tr>
<td>100,000,000</td>
<td>100</td>
</tr>
<tr>
<td>400,000,000</td>
<td>330</td>
</tr>
<tr>
<td>1,000,000,000</td>
<td>750</td>
</tr>
<tr>
<td>2,000,000,000</td>
<td>1,365</td>
</tr>
<tr>
<td>3,000,000,000</td>
<td>1,850</td>
</tr>
<tr>
<td>4,000,000,000</td>
<td>2,260</td>
</tr>
<tr>
<td>5,000,000,000</td>
<td>2,640</td>
</tr>
<tr>
<td>6,000,000,000</td>
<td>2,950</td>
</tr>
<tr>
<td>7,000,000,000</td>
<td>3,200</td>
</tr>
<tr>
<td>8,000,000,000</td>
<td>3,410</td>
</tr>
<tr>
<td>10,000,000,000</td>
<td>3,750</td>
</tr>
</tbody>
</table>

For heat content between any two consecutive heat contents given in the above, the fly-ash limitation shall be as determined by interpolation.

(10) **SMOKE.** No emission of smoke from any source, as measured on the Ringelmann Chart, published by the U.S. Bureau of Mines, shall be permitted in excess of the following:

(a) **R-4, R-5, I-1, I-3, I-4, B-1, B-2 and B-3 Districts.** A density described as Ringelmann No. 2, provided that a density equal to Ringelmann No. 3 may be emitted for not more than three (3) minutes in any fifteen (15) consecutive minutes. (2015 05/09/2000)

(b) **I-2 District.** A density described as Ringelmann No. 3.

In all cases, state regulations shall be met and the stricter requirements shall govern.

### 17.44 BOARD OF ZONING APPEALS

(1) **MEMBERSHIP, APPOINTMENT, AND OFFICERS.** See Ch. 1 of this City Codes.

(2) **ADOPTION OF RULES.** The Board of Zoning Appeals shall adopt rules for its government and procedure. Meetings shall be held at the call of the Chair and at such other times as the Board of Zoning Appeals shall determine. The Chair, or in his/her absence, the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The City Clerk or his/her designee, shall be the secretary of the Board.

(3) **RECORDS.** The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record.

(4) **APPEALS.** Except as otherwise provided in the City Codes or in the State Statutes, appeals to the Board of Zoning Appeals may be made by any person aggrieved by the enforcement of The Zoning Code, the Building, Plumbing, Electrical or Fire Codes, or by an officer, department or board of the City affected by any decision under these codes. An appeal must be filed within thirty (30) days of receipt by the appealing party of the determination from which the appeal is taken. An appeal shall be commenced by filing a Notice of Appeal with the officer, department, board or
The Board of Zoning Appeals shall fix the date, time and place for the hearing of an appeal within a reasonable time after the Notice of Appeal is properly filed. The Board of Zoning Appeals shall give public notice of the time, place and purpose of such hearing by publication as a Class 1 Notice under the Wisconsin Statutes in the official City newspaper at least one week before the date of the hearing.

Notice of the date, time, place, and purpose of each hearing shall also be mailed at least ten (10) days before the hearing by first class mail to the appealing party and to the property owners of record as listed in the office of the City Assessor who are owners of tax parcels of land situated, in whole or in part, within 100 feet of the boundaries of the property subject to the hearing. Failure to comply with the notice requirements under this subsection a, or the failure of a person to receive notice shall not, however, invalidate any previous or subsequent action of the Board of Zoning Appeals. Notice shall be sent to the Wisconsin Department of Natural Resources when such notice is required by the State Statutes.

The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant or appellant on any matter on which it is required to pass, or to affect any variation in the requirements of the Zoning Code or the Building, Plumbing, Electrical and/or Fire Codes.

The Board of Zoning Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board of Zoning Appeals’ decision to the appellant or applicant and to the officer, board or commission from whom the appeal was taken. Conditions may be placed upon any variance or permit ordered or authorized by the Board of Zoning Appeals. Variances or permits granted by the Board of Zoning Appeals shall become null and void automatically within twelve (12) months after the date of the Board of Zoning Appeals’ decision unless substantial work has commenced pursuant to such grant or authorization.

The unexcused failure of the appealing party to appear personally, or by a representative, before the Board of Zoning Appeals at the time of a properly noticed hearing shall be sufficient grounds for the Board of Zoning Appeals to deny and dismiss the appeal.

POWERS OF THE BOARD OF ZONING APPEALS. The Board of Zoning Appeals shall have the following powers:

(a) Except as to those matters delegated to the Plan Commission, to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator, Building Inspector in the enforcement of the Zoning Code or the Building, Plumbing, Electrical or Fire Codes.

(b) The Board of Zoning Appeals shall not be authorized to grant use variances or variances from the Subdivision Code or variances for lot size, land divisions, or the platting of lands. The Board may vary the area zoning regulations of the ordinance or statute from which the variance is requested only in specific instances where the Board determines that owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship such that the spirit of the codes is observed, public safety and welfare secured, and substantial justice done. In determining whether individual injustice might occur if a variance is not granted, the Board shall consider whether compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk or density would unreasonably prevent the owner from using the subject property for a permitted purpose or would render conformity with
such restrictions unnecessarily burdensome. The party appealing for relief shall carry the burden to prove to a reasonable degree of certainty to the satisfaction of the Board that the required standards have been established. In its consideration of an appeal, the Board shall first determine the purpose of the ordinance from which the variance is requested and the Board shall not vary the area regulations of a zoning ordinance unless it shall make findings of fact based upon the evidence that the following conditions are present: (2179 01/25/05)

1. That the particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

2. That in the reasonably foreseeable future, the uses, values, purposes and enjoyment of other property in the neighborhood shall not be substantially impaired or diminished by the variance.

3. That the variance will not impede the normal and orderly development and improvement of the surrounding property for permitted uses.

4. That the alleged hardship or difficulty is peculiar to the parcel under consideration and different from that of other parcels and not one which generally affects all parcels similarly.

5. That the alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property.

6. That the purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.

7. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

8. That the variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger or be detrimental to the public safety, or substantially diminish or impair property values within the neighborhood.

9. In the case of floodplain areas, the granting of the variance will not result in any change in established flood elevations or profiles, permit a lower degree of flood protection in a floodplain than the flood elevation, allow any floor, basement, or crawlway below the regional flood elevation, allow actions without the required amendments, nor have the effect of allowing or extending a use or building which is prohibited in the zoning district.

The Board is granted the discretionary authority to grant a variance where, based upon the purpose of the ordinance under consideration, adequate protection of the neighborhood can be appeased without imposing stringent limitations on a property. In exercising its discretion, the Board shall balance the public interests requiring compliance with City ordinance regulations against the private interests of the individual property owner of being relieved from the strict enforcement of the Codes under consideration, particularly where individual injustice might otherwise occur if the variance is denied. The Board may impose such conditions and restrictions upon the property benefited by a variance as may be necessary to comply with the foregoing standards in order to reduce or minimize the injurious affect of such variance upon other property in the neighborhood, or to better carry out the general intent of this section.

(c) To hear and grant appeals to allow in a zoning district an unclassified and unspecified use, after the Plan Commission has made a review and recommendation thereof to the Board of Zoning Appeals, and where a clear determination cannot be made by the Zoning Administrator, provided that such use is similar in character and not disruptive or inconsistent with the principal uses permitted in the district. In making this determination, the Board of Zoning Appeals shall apply the standards applicable to conditional uses as set forth in this Chapter.

(d) To hear and decide applications in appropriate cases, and subject to appropriate conditions and safe-guards in harmony with the general purpose and intent of the Zoning Code and Building,
Plumbing, Electrical and Fire Codes, regarding the erection of a building or premises to be used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

(e) To hear and grant applications for a permit for a temporary building for business or industry in a residential district which is incidental to the residential development, such permit to be issued for a period of not more than one (1) year.

(f) In the exercise of its powers, the Board of Zoning Appeals may, when granting a permit, application or appeal, stipulate appropriate conditions and safeguards in harmony with the general purpose and intent of the Zoning Code and the Building, Plumbing, Electrical and Fire Codes, and other applicable provisions of this Code and/or Wisconsin Statutes and Wisconsin Administrative Code provisions. Any failure to carry out such stipulation shall be deemed a violation of the Zoning Code and/or other applicable codes.

(g) Except as specifically provided, the Board of Zoning Appeals shall not be empowered to grant conditional use permits, special zoning exceptions, substitutions of more restrictive non-conforming uses for existing non-conforming uses, nor shall the Board of Zoning Appeals be empowered to exercise other regulatory actions over non-conforming uses.

(h) Except as specifically provided, no action of the Board of Zoning Appeals shall have the effect of permitting in any district uses prohibited in that district, or permit lower degree of flood protection than the flood protection elevation for a particular area, or permit flood standards lower than those required by State law.

(i) In addition to the foregoing powers and duties, the Board of Zoning Appeals shall have the sole and exclusive power to hear any appeal from the denial by the Building Inspector of a permit to move a building. An appeal of denial of such permit shall be denied by the Board of Zoning Appeals unless, by a concurring vote of four (4) members, the Board of Zoning Appeals finds that the nature and type of building to be moved is substantially similar to the buildings in the proposed relocation area and will not be detrimental thereto.

(j) The Board of Zoning Appeals may reverse or affirm wholly or in part, or may modify any order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator and the Building, Plumbing, Electrical and Fire Inspectors.

(k) The Board of Zoning Appeals shall have the power to call on any City officer, official or department for assistance in the performance of its duties and it shall be the duty of such officer, official or department to render such assistance as may be reasonably required.

(l) No variance or appeal shall be granted unless the Board of Zoning Appeals finds the appealing party has proven all the necessary facts and conditions to a reasonable degree of certainty, by credible evidence that is satisfactory to the Board of Zoning Appeals.

(7) REVIEW BY THE COURT OF RECORD. Any person or persons aggrieved by any decision of the Board of Zoning Appeals may appeal such decision to the Circuit Court as provided by Chapter 62 of the State Statutes.

17.45 CERTIFICATE OF OCCUPANCY.

(1) No vacant land shall be occupied or used, and no building hereafter erected, altered or moved, shall be occupied, and no use of an existing building changed until a certificate of occupancy shall have been issued by the Building Inspector. Such certificate shall show that the building and/or land, or part thereof, and the proposed use are in conformity with the provisions of this Chapter and other applicable City Codes. Such certificate shall be issued only when the building and/or land, and the proposed use thereof conform with all of the requirements of The Codes.

(2) Under such rules and regulations as may be established by the City Council, the Building Inspector may issue a temporary certificate of occupancy for all or part of a building for a period not exceeding six (6) months.

(3) Upon written request from the owner, the Building Inspector may issue a certificate of occupancy for any building or premises existing at the time of the adoption of the Zoning Code as provided in the subsection of the Zoning Code covering existing, lawful non-conforming uses of structures, land and water and sub-standard lots.
17.46 ANNEXATION.

(1) Procedure for Direct Annexation by Unanimous Consent. Any party petitioning for direct annexation by unanimous consent shall comply with the procedures set forth in this subsection and with the procedures set forth in §66.0217, Wis. Stats.

(a) The petition for direct annexation by unanimous consent shall follow the format of the petition form available in the office of the City Clerk. The petition shall be signed by all of the electors residing in the territory to be annexed and by all of the owners of such territory. The petition shall contain an accurate legal description of the territory to be annexed, and a copy of a survey map or a scale map showing the boundaries of said territory and their relationship to the City of Baraboo, and shall specify the zoning classification requested by the petitioners upon annexation. The petition shall be filed with the City Clerk.

(b) On the same day that the petition is filed with the City Clerk, an identical petition, also originally signed as set forth in subsection (a) above, must be filed with the Town Clerk of the township in which the territory is presently located.

(c) The petitioner shall further file with the office of the City Clerk an Affidavit of Ownership and Residency in a format approved by the office of the City Clerk and an Affidavit stating that the petition was also filed with the Town Clerk of the township in which the territory to be annexed is presently located. The petitioner shall promptly provide to the City Clerk any additional information regarding the annexation as shall be required by the City Clerk, the State of Wisconsin, Plan Commission, the City Council and City staff.

(d) The required fee shall be paid to the City Clerk at the time of the filing of the annexation petition.

(2) Procedure for Other Methods of Annexation. Petitioners for annexation by other than direct annexation by unanimous consent shall be in accordance with §66.0217, Wis. Stats.

(3) Zoning of Annexed Territory: Unless otherwise provided in the annexation ordinance, all territory annexed to the City shall automatically become a part of the one- and two-family residential district (R-2) until definite boundaries and regulations are recommended by the Plan Commission and adopted by the City Council.

17.47 SITE PLAN REVIEW AND APPROVAL.

Administrator to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. Said complete application shall be comprised of all of the following:

(a) **Written Description.** A written description of the intended use describing in reasonable detail the:

1. Existing zoning district(s) (and proposed zoning district(s) if different);
2. Land use plan map designation(s);
3. Description of existing environmental features;
4. Current land uses present on the subject property;
5. Proposed land uses for the subject property;
6. Projected number of residents, employees, and daily customers;
7. Proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;
8. Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer loadings, and traffic generation;
9. Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in this Code including street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electro-magnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials. If no such nuisances will be created (as indicated by complete and continuous compliance with the provisions of City performance zoning standards), then the statement “The proposed development shall comply with all performance requirements of the Zoning Ordinance” shall be provided;
10. Exterior building and fencing materials;
11. Possible future expansion and related implications for 1-10, above, and;
12. Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.

(b) **Small Location Map.** A small location map at 11” x 17” showing the subject property, all properties within 300 feet, and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the City’s Official Zoning Map with the subject property clearly indicated shall suffice to meet this requirement.)

(c) **Property Site Plan.** A property site plan drawing (and reduction at 11” x 17”) which includes:

1. A title block which indicates the name, address and phone/fax numbers) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;
2. The date of the original plan and the latest date of revision to the plan;
3. A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;
4. A legal description of the subject property;
5. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
6. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
7. All required building setback lines;
8. All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, walls, and utility and drainage systems, connections and fixtures;
9. The location and dimension (cross-section and entry throat) of all access points onto public streets;
10. The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by this Ordinance;
11. The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;
12. The location of all outdoor storage areas and the design of all screening devices;
13. The location, type height, size, and lighting of all signage on the subject property;
14. The location, height, design/type, illumination power, and orientation of all exterior lighting on the subject property — including the clear demonstration of compliance with a limit of 1.0 footcandles at non-residential property lines and 0.5 footcandles at residential property lines;
15. The location and type of any permanently protected green space areas;
16. The location of existing and proposed drainage facilities; and
17. In the legend, data for the subject property:
   a. Lot area;
   b. Floor area;
   c. Floor area ratio (b/a);
   d. Impervious surface area;
   e. Impervious surface ratio (d/a); and
   f. Building height.

d) Detailed Landscaping Plan. A detailed landscaping plan of the subject property, at the same scale as the main plan (and reduction at 11” x 17”), showing the location of all required bufferyard and landscaping areas, and existing and proposed Landscape Point fencing and berm options for meeting said requirements. The Landscaping Plan shall demonstrate complete compliance with the requirements of City Landscaping Regulations (NOTE: the individual plant locations and species, fencing types and heights, and berm heights need to be provided.)

e) Grading and Erosion Control Plan. A grading and erosion control plan at the same scale as the main plan (and reduction at 11” x 17”) showing existing and proposed grades, including retention walls and related devices, and erosion control measures.

f) Elevation Drawings. Elevation drawings of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment shall also be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.

(g) Certified Survey. A certified survey may be required by the Zoning Administrator in instances where he/she determines compliance with setback requirements may be difficult. The survey shall be prepared by a registered land surveyor and shall depict property lines, and proposed buildings, structures, and paved areas.

(h) Detailed Site Analysis. A detailed site analysis per the following submission and review process:

1. Purpose: The detailed site analysis required by this Section is designed to provide the clear identification of permanently protected green space areas on a site which is proposed for development. The detailed survey work required to identify these areas accurately on a map is not required prior to the initiation of development concept plans for an area. A detailed site analysis shall be performed in conjunction with required land division documents or development site plans for any and all properties containing permanently protected natural resource areas as defined by required protected areas under State or Federal regulations, plus all environmental corridor components and areas identified by the City’s Master Plan.

2. Description: The detailed site analysis shall be shown on a map of the subject property which depicts the location of all protected natural resource areas, as defined by the provisions of this Section and as located by an on-site survey. The detailed site analysis shall meet the following requirements:
   a. Scale – A minimum scale of one inch equals 200 feet shall be used.
   b. Topography – Topographic information is not required for any property that does not contain steep slopes (as designated on the Official Zoning Map). For such properties, topographic information with a minimum contour interval of two feet is required.
c. Specific Natural Resources Areas – All natural resource areas which require protection under State or Federal law, and all components of the Environmental Corridors identified on the City Plan shall be accurately outlined and clearly labeled. Particular care as to clarity shall be taken in areas where different resource types overlap with one another.

d. Development Pads –

[1] All site disruption (including selective cutting) proposed to occur within permanently protected natural resource areas shall be limited to development pads. Development pads shall be depicted on the detailed site analysis map, site plans required for development permits, and the recorded Plat of Subdivision or Certified Survey Map.

[2] Beyond visible damage to natural resources, vegetation, soil, and drainage patterns, site disruption activities shall not compact soil covering tree roots, or otherwise damage trees beyond the area from which trees are to be removed. All trees with calipers exceeding 3 inches, whose canopies are located adjacent to disturbed areas, which die within a period of five years following site disruption shall be replaced by the property owner with a 3 inch caliper tree of the same type (canopy or understory). Therefore, care shall be taken to ensure that equipment and actions associated with permitted site disruption activities are limited to the area in which they are permitted. The use of snow fences and other barriers to outline development pads during disruption activity is strongly recommended to limit the extent of inadvertent compaction or other disturbance of earth, and collision damage to vegetation intended for protection. Such barriers should be placed no closer to protected trees than a point on the ground directly under their outer canopy edge.

c. Mitigation Areas – All mitigation areas related to the provisions of this Ordinance shall be depicted on the detailed site analysis map with notations provided which describe the mitigation techniques employed.

3. Required Procedure for Submission and Review of Detailed Site Analysis:

a. Required Timing of Submission – The detailed site analysis map shall be submitted to the Zoning Administrator for initial review prior to, or concurrently with, the submission of the Preliminary Plat of Subdivision or the Certified Survey Map; or if the proposed development does not involve a land division, then submittal is required as an attachment to a required site plan. A concept plan of the proposed development may be submitted prior to the submission of the detailed site analysis map, however, in no way does the acceptance and/or general approval of the concept plan indicate the approval of natural resource feature locations. A detailed site analysis map prepared for the subject property that has been previously approved by City Staff may be submitted for any subsequent development activity on the site. However, modifications to such a previously approved map will be required if the analysis is no longer accurate for the subject property.

b. Review by City Staff – City staff shall review the submitted detailed site analysis map for general compliance with the following data sources:

[1] The Official Zoning Map;

[2] Applicable USGS 7.5 minute topographic maps for the City of
Baraboo and its environs;
[3] Air photos of the subject property;
[4] USGS Quads and other sources of topographic information;
[5] Applicable FEMA and related floodplain maps;
[7] The City of Baraboo Comprehensive Master Plan; and
[8] Site visits. The Zoning Administrator shall provide the petitioner with a written evaluation of the submitted detailed site analysis map which shall indicate the acceptance by City Staff; or the need for further analysis work, discussion with the petitioner and/or Staff-recognized experts, or a joint site visit.

c. Modification of Detailed Site Analysis Map – If necessary, as determined by City Staff, revised detailed site analysis maps shall be prepared and submitted for review by City Staff, until a version is deemed acceptable. Staff review of the detailed site analysis map may be appealed to the Council of Zoning Appeals as a matter of Ordinance interpretation.

d. Acceptance of Detailed Site Analysis Map – Upon notification of acceptance by City Staff (or in case of appeal, by determination of the Council of Zoning Appeals), the petitioner may proceed with the submittal of necessary development documents.

4. Integration of Detailed Site Analysis Information with Required Development and/or Land Division Documents: Information contained on the detailed site analysis map relating to the boundaries of permanently protected green space areas (including natural resource protection areas, other permanently protected green space areas, and required mitigation areas) shall be clearly depicted on any and all site plans required as a precondition for application for any development permit (such as a Building Permit) and on any proposed Plat of Subdivision or Certified Survey Map.

(4) REVIEW OF COMPLETE SITE PLAN APPLICATION BY THE PLAN COMMISSION.

(a) The Plan Commission, in its consideration of the submitted complete application, shall take into account the basic intent of the Zoning Ordinance to ensure attractive, efficient, and appropriate development of land in the community, and to ensure particularly that every reasonable step has been taken to avoid depreciating effects on surrounding property and the natural environment. Beyond protection of the public health, safety and welfare, this Section shall enable the Plan Commission to consider factors related to community aesthetics, urban design, and architectural consistency within the community. The Plan Commission, in reviewing the application may require such additional measures and/or modifications to any or all elements of the site plan as described in the application submittal required per Subsection (3), as it deems necessary to accomplish this objective. If such additional measures and/or modifications are required, the Plan Commission may withhold approval of the Site Plan until all revisions depicting such additional measures and/or modifications are submitted to the satisfaction of the Plan Commission, or may approve the application subject to the provision of a revised application reflecting the direction of the Plan Commission to the satisfaction of the Zoning Administrator. Such amended plans and conditions applicable to the proposed use shall be made a part of the official record, and development activity on the subject property may not proceed until the revised application has been approved by one of the two above procedures as directed by the Plan Commission.

(b) In reviewing said application the Plan Commission shall make findings on each of the following criteria to determine whether the submitted site
plan shall be approved, approved with modification, or denied:
1. All standards of the Zoning Ordinance and other applicable City, State, and Federal regulations are met;
2. The public health and safety is not endangered;
3. Adequate public facilities and utilities are provided;
4. Adequate control of stormwater and erosion are provided and the disruption of existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical;
5. Appropriate traffic control and parking are provided;
6. Appropriate landscaping and open space areas are provided;
7. The appearance of structures maintains a consistency of design, materials, colors, and arrangement with nearby properties of similar use, which comply with the general architectural guide-lines provided in Subsections a. through e., below:
   a. Exterior construction materials shall be of high quality;
   b. Exterior building design or appearance shall not be of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards;
   c. Exterior building design or appearance shall not be so identical with nearby buildings so as to create excessive monotony or drabness. A minimum of five basic home styles shall be provided in each residential subdivision;
   d. Exterior building design or appearance shall not be constructed or faced with an exterior material which is aesthetically incompatible with other nearby buildings or which presents an unattractive appearance to the public and from surrounding properties; and
   e. Exterior building, sign, and lighting design or appearance shall not be sited on the property in a manner that would unnecessarily destroy or substantially damage the natural beauty of the area.

(5) INITIATION OF LAND USE OR DEVELOPMENT ACTIVITY. Except with the written permission of the Zoning Administrator, absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of this Ordinance and shall be subject to all applicable enforcement mechanisms and penalties.

(6) MODIFICATION OF AN APPROVED SITE PLAN. Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of this Ordinance. An approved site plan shall be revised and approved via the procedures of Subs. 3) and (4), above, so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

(7) SUNSET CLAUSE. All buildings on an approved site plan not fully developed within two years of final Plan Commission or City Council approval shall expire, and all other portions of a project on an approved site plan not fully developed within a period of five years of final Plan Commission or City Council approval shall expire, and no additional site plan development shall be permitted on undeveloped portions of the subject property. The Plan Commission or City Council may extend this period, as requested per the Applicant, through the conditional use procedures.

(8) FEE. See City's Official Fee Schedule.

17.48 SOLAR ACCESS PERMITS.

(1) PURPOSE. This section is adopted under authority contained in s. 66.032, Wisconsin Statutes, for the purpose of protecting the health, safety and general welfare of the community by:
   a. Promoting the use of solar energy systems.
   b. Protecting access to sunlight for solar energy systems.
   c. Assuring that potentially conflicting interests of individual property owners
are accommodated to the greatest extent possible compatible with the overall goal of this section.

(2) DEFINITIONS. In this section the words and terms used shall be defined as follows:

(a) **Applicant.** An owner applying for a permit under this section.

(b) **Application.** An application for a permit under this section.

(c) **Collector Surface.** Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. "Collector surface" does not include frames, support and mounting hardware.

(d) **Collector Use Period.** The time each day between 8:00 A.M. to 3:00 P.M., standard time.

(e) **Impermissible Interference.** A blockage of solar energy from a collector surface or a proposed collector surface for which a permit has been granted under this section during a collector use period if such blockage is by any structure or vegetation on the property an owner of which was notified under subsection (3) of this section. "Impermissible ---interference" does not include the following:

1. Blockage by a narrow protrusion, including, but not limited to, a pole or wire which does not substantially interfere with absorption of solar energy by a solar collector.

2. Blockage by any structure constructed, under construction or for which a building permit has been applied for before the date the last notice is mailed or delivered under subsection (3) of this section.

(f) **Owner.** At least one owner, as defined under §66.021 Wis. Stats., of a property or the personal representative of at least one owner.

(g) **Permit.** A solar access permit issued under this section.

(h) **Solar Collector.** A device or structure or part of a device or structure, a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.

(i) **Solar Energy.** Direct radiant energy received from the sun.

(3) PERMIT APPLICATION AND NOTICE.

(a) **Permit Jurisdiction.** Any owner who has installed or intends to install a solar collector may apply to the Building Inspector for a permit. A permit may affect any land located within the territorial limits of the City.

(b) **Informal Pre-application Meeting.** Prior to the filing of an application, the applicant shall meet with the Building Inspector to discuss the application and the permit process.

(c) **Application.** An application for a permit under this section may be obtained from the Building Inspector and shall be completed by the applicant.

(d) **Application Fee.** The required permit fee shall be paid to the Building Inspector at the time the application is filed. See City's Official Fee Schedule.

(e) **Review of Application.** The Building Inspector shall review the application to determine if it is satisfactorily completed. The Building Inspector shall notify the applicant of this determination within ten (10) days after the application has been filed and the application fee received. If the Building Inspector determines that the application is satisfactorily completed, the Building Inspector shall provide notice forms and receipt forms to the applicant for service and signing under subsection (f) below.

(f) **Service of Notice.** If an applicant is notified that an application has been satisfactorily completed, the applicant shall deliver by certified mail or by hand the notice, supplied by the Building Inspector, to the owner of any property which the applicant proposes to be restricted by the permit. The applicant shall submit to the Inspector a copy of a signed receipt for every notice delivered under this paragraph.

(g) **Content of Notice.** The information on the notice form shall include the following:

1. The name and address of the applicant and the address of the land upon which the solar collector is or will be located.
2. That an application has been filed by the applicant.
3. That the permit, if granted, may affect the rights of the notified owner to develop his property and to plant vegetation.
4. That any person who received a notice may request a hearing under subsection (4) below within thirty (30) days after receipt of the notice.
5. The procedure for filing a hearing request and telephone number, address and office hours of the Building Inspector.
HEARING. Within thirty (30) days after receipt of the notice under subsection (3)(f) above, any person who has received a notice, or anyone acting on that person's behalf, may file a request for a hearing on the granting of a permit or the Building Inspector may determine that a hearing is necessary even if no such request is filed. If a request is filed or if the Building Inspector determines that a hearing is necessary, the Building Inspector shall conduct a hearing on the application within ninety (90) days after the last notice is delivered. At least thirty (30) days prior to the hearing date, the Building Inspector shall notify the applicant, any person who has requested a hearing under this subsection, all owners notified under subsection (3)(f) above, and any other person filing a request of the time and place of the hearing. The Building Inspector shall publish a Class I notice, under Ch. 985, Wis. Stats., of the hearing. The required hearing fee shall be paid to the Building Inspector at the filing time of the request for hearing.

GRANT OF PERMIT.

(a) Determination. The Building Inspector shall grant a permit if the Inspector determines that:

1. The granting of a permit will not unreasonably interfere with the orderly land use and development plans of the City.

2. No person has demonstrated that he has present plans to building a structure that would create an impermissible interference by showing that he has applied for a building permit prior to receipt of a notice under sub. (3)(f) above, has expended at least $500 on planning or designing such a structure, or by submitting any other credible evidence that he has made substantial progress toward planning or constructing a structure that would create an impermissible interference.

3. The benefits to the applicant and the public will exceed any burdens.

4. No person has demonstrated that the granting of a permit would cause an undue hardship in using his property in a manner consistent with existing zoning regulations and neighboring property uses.

(b) Conditions.

1. The Building Inspector may grant a permit subject to any condition or exemption the Building Inspector deems necessary to minimize the possibility that the future development of nearby property will create an impermissible interference or to minimize any other burden on any person affected by granting the permit. Such conditions or exemptions may include, but are not limited to, restrictions on the location of the collector and requirement for the compensation of persons affected by the granting of the permit.

2. As a condition of receiving a permit, the permit holder shall be responsible for the cost of trimming vegetation on property affected by the permit to prevent an impermissible interference. The permit holder shall give consideration to the desires of the property owner in trimming such vegetation and shall not unnecessarily remove vegetation which does not or will not in a reasonable period of time create an impermissible interference.

APPEALS. Any person aggrieved by a decision under this section may appeal to the Board of Zoning Appeals as provided by this Chapter.

RECORD OF PERMIT. If the Building Inspector grants a permit:

(a) The Building Inspector shall specify the property restricted by the permit and shall prepare notice of the granting of the permit. The notice shall include the legal description pursuant to §706.05(2)(c), Wis. Stats., for the property upon which the solar collector is or will be located and for any property restricted by the permit, and shall indicate that the property may not be developed and vegetation may not be planted on the property so as to create an impermissible interference with the solar collector which is the subject of the permit unless the permit affecting the property is terminated or unless a waiver agreement affecting the property is recorded under subsection (9) below.

(b) The applicant shall record with the Register of Deeds of Sauk County the notice under subsection (a) above for each property specified and for the property upon which the solar collector is or will be located.

(c) The Building Inspector shall note the location of any solar collector which is the subject of a permit on a map showing the location of all solar collectors for which permits have been granted and shall identify on the map all properties which are subject to restrictions resulting from the granting of a permit.
(8) **RIGHTS OF PERMIT HOLDER.** The holder of a permit granted under this section is entitled to access to sunlight for the solar collector subject to any conditions or exemptions in the permit and may seek damages for any loss caused by an impermissible interference or an injunction to prevent an impermissible interference as provided under §66.0403, Wis. Stats.

(9) **WAIVER OF RIGHTS.** A permit holder, by written agreement, may waive all or part of any right protected by a permit. The permit holder shall record a copy of the agreement with the Register of Deeds. A copy of the agreement shall also be filed with the Building Inspector.

(10) **TERMINATION OF PERMITS.**

(a) Any rights protected by a permit under this section shall terminate if the Building Inspector determines that the solar collector which is the subject of the permit is:

1. Permanently removed or is not used for two (2) consecutive years, excluding time spent on repairs or improvements, or
2. Not installed and functioning within two (2) years after the date of issuance of the permit.

(b) The Building Inspector shall give the permit holder written notice and an opportunity for a hearing on a proposed termination under subsection (a) above.

(c) If the Building Inspector terminates a permit, the Inspector shall record a notice of termination with the Register of Deeds.

(d) The Building Inspector shall modify the map of solar collectors prepared under subsection (7)(c), above to reflect the termination of a permit.

(11) **PRESERVATION OF RIGHTS.** The transfer of title to any property shall not change the rights and duties provided by a permit granted under this section.

**17.50 COLLECTION AND USE OF PARK FEES.**

(1) **PARK FEE COLLECTION.** No building permit for the new construction of a residential dwelling shall be issued until the following park fees are paid by the applicant:

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family</td>
<td>$200.00</td>
</tr>
<tr>
<td>Two-family</td>
<td>$300.00</td>
</tr>
<tr>
<td>Multi-family unit</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

(2) **USER OF PARK FEES.** Park fees shall only be used by the City for the purchase and/or the development of lands to be used for public and recreational purposes with consideration being first given to parks in the area where the fee is collected, and as determined by the City's Parks and Recreation Commission. This subsection shall not apply to the extent that the Plan Commission requires a subdivider to dedicate land area to the City for park purposes as provided in §18.07 (10)(b) of the Subdivision and Platting Code.

**17.51. REQUIREMENTS FOR CERTAIN MULTI-FAMILY RESIDENTIAL REAL ESTATE DEVELOPMENTS.**

(1) **PURPOSE.** The purpose of this section is to establish minimum requirements for residential multi-family real estate developments containing three or more dwelling units, other than developments regulated under the Manufactured Home Park Code and developments regulated under the Subdivision and Platting Code. This section will typically apply to apartment complexes, townhouses, cluster developments, planned residential developments, and condominium developments. The requirements set forth in this section shall be in addition to all other requirements of the Municipal Code of Baraboo.

(2) **DEFINITIONS.** In this section:

(a) **Condominium Development** means a residential real estate development subject to a condominium declaration pursuant to Ch. 703 Wis. Stats.

(b) **Cluster Development** means a residential real estate development designed to concentrate buildings in specific areas on a site in order to allow...
the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

(c) **Developer** means persons having any ownership interest in lands improved pursuant to the provisions of this section.

(d) **Townhouses** means a residential building or portion thereof, containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings.

(e) **Apartment** means a residential building or portion thereof, containing dwelling units used for occupancy by three or more families living independently of each other and containing three or more residential dwelling units.

(f) **Planned Residential Development** means the development of land for residential purposes that is under unified control and is planned as a development as a whole through a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements. A planned residential development may include a program for the provision, operation, and maintenance of such areas, facilities and improvements as will be for the common use by some or all of the occupants of the planned development, but which will not be provided, operated or maintained at general public expense. A planned residential development may include apartment complexes, townhouses or cluster developments.

(g) **Real Estate Residential Project** means a residential real estate development project located on lands within the City and containing three or more dwelling units, such as an apartment, condominium development, cluster development, townhouses, or planned residential development. This term shall not include developments regulated under the Manufactured Home Park Code or developments regulated under the Subdivision and Platting Code. 

(3) COMPLIANCE. No person shall undertake any Real Estate Residential Project covered by this section unless the developer submits the site and utility plans and specifications to the Plan Commission for approval and the Plan Commission issues a special use permit approving the development. An application for a special use multi-family real estate development permit shall be treated the same as an application for a conditional use permit under the Zoning Code and, except as expressly set forth in this subsection, all of the provisions in the conditional use section shall be applicable to permits issued under this section. Where, in the judgment of the Plan Commission, it would be inappropriate to apply literally the provisions of this section because exceptional or undue hardship would result, the Plan Commission may waive or modify any requirement to the extent deemed just and proper. No variance to the provisions of this section shall be granted unless the Plan Commission finds that all of the following facts and conditions exist and so indicates in the minutes of its proceedings:

(a) **Exceptional Circumstances.** There are exceptional, extraordinary or unusual circumstances or conditions where a literal enforcement of the requirements of this section would result in unnecessary hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this section should be changed.

(b) **Preservation of Property Rights.** The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

(c) **Absence of Detriment.** The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this section or this Chapter or the public interest.

(4) PRIVATE ROADS AND WALKWAYS WITHIN THE DEVELOPMENT. All access roads leading from a public street or highway and serving three or more dwelling units shall meet the following guidelines, standards and requirements:

(a) **LAY-OUT.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Merging and turn-out lanes and/or traffic dividers shall be required where existing or anticipate heavy flows indicate need. In general, minor roads shall not be connected with public streets outside the development in such a way as to encourage the use of such minor roads by substantial amounts of thru-traffic.

(b) **PEDESTRIANS AND CYCLISTS.** Access for pedestrians and cyclists
entering or leaving the development shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at the edges of a development, such crossings shall be safely located, marked and controlled, and where such ways are exposed to substantial vehicular traffic at the edges of a development, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that road crossings are combined.

(5) LAY OUT OF DEVELOPMENT. The site plan for the development shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, recreational areas, facilities, roads, parking and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:

(a) ROADS. Roads, drives and parking and service areas shall provide safe and convenient access to each dwelling unit for service and emergency vehicles, but roads shall not be so laid out so as to encourage outside traffic to traverse the development, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants. If the development has only one point of ingress or egress to the development for outside traffic, then an emergency entrance and exit may also be required.

(b) OFF-STREET ACCESS. Vehicular access to roads from off-street parking areas may be direct from the parking area if the road or portion of the road serves fifty (50) dwelling units or less. Determination of dwelling units served shall be based on normal routes anticipated for traffic. Along roads or portions of roads serving more than fifty (50) dwelling units or constituting arterial routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled so as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction and direct vehicular access from individual dwelling units shall generally be prohibited.

All required off-street parking spaces and access drives shall be located entirely within the boundaries of the development. (1984 07/27/99)

(c) WALKWAYS. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, recreational areas, project facilities and principal off street pedestrian destinations. All walk-ways shall be in conformity with applicable state and federal regulations on accessibility. Maximum walking distance in the open between each dwelling unit and related parking spaces, delivery areas and trash and garbage storage areas intended for use by dwelling occupants shall not exceed one hundred (100) feet. Walkways to be used by children as play areas or routes to school, bus stops, recreational areas, or other destinations shall be so located and safeguarded as to minimize contact with normal automotive traffic. If an internal walkway system is provided, away from roads, bicycle paths may be incorporated in the walkway system. Road crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety, and shall be appropriately marked and otherwise be safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicles, but shall not be used by other automotive traffic.

(6) ADDITIONAL MINIMUM REQUIREMENTS FOR DEVELOPMENTS. All developments shall comply with the following additional minimum requirements:

(a) Building Envelopes. All of a development shall be located so as to comply with the intent of this chapter regarding setbacks of structures and buildings from lot lines. As such, individual, principal, and accessory structures and buildings located within a development shall be situated within building envelopes that serve to demonstrate complete compliance with said intent. Said building envelopes shall be depicted on the site plan required for review of the development. The use of this approach to designing developments will also insure the facilitation of subdividing the development in the future, if such action is desired. (1984 07/27/99)

(b) Building Exterior Materials. Building exterior materials shall be of high quality on all sides of each structure. Building exterior design shall be unified in design and material throughout the structure and shall be complimentary to other
structures in the vicinity. (1984 07/27/99)

(c) **City Water and Sanitary Sewage Required.** No development shall be laid out, constructed or operated without City water service and sanitary sewer service.

(d) **Drainage Plan.** Conditions of soil, groundwater level drainage and topography shall not create hazard to the property of occupants of the dwelling units or to be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion of the development subject to unpredictable and/or sudden flooding or erosion shall be used for any purpose which would expose persons or property within or outside the development to hazards or damage. The ground service in all parts of every development shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner. Curb and gutter may be required in order to provide a suitable drainage plan. In all cases the drainage plan for the development shall be subject to the approval of the Plan Commission. The Development Plan shall include a storm drainage system to accommodate all water flowing through and within the development. Where the development is traversed by a water course, stream, drainage-way, channel, or natural water course, an adequate drainageway or easement shall be required subject to the approval of the City Engineer and/or City consultants, and parallel streets or parkways may also be required in connection therewith. The development shall be designed and constructed to include storm water drainage facilities that may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, drainageways and open channels, as may be required. All such facilities shall be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow of all water flowing through and within the development and the type of facility required, the design criteria and the size and grades shall be determined by the City Engineer and/or City consultants. Storm drainage facilities shall be so designed so as to present no hazard to life or property and the size, type, and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and standards specifications approved by the City Engineer and/or City consultants. (1962 12/22/98)

(e) **Electrical Service.** Each dwelling unit shall be provided with a waterproof electrical over-current protection device, disconnect means and branch service of not less than 100 amperes for 220-volt service located adjacent to the water and sewage outlets.

(f) **Five or More Dwelling Units.** Developments containing five or more dwelling units shall employ varying building setbacks, height, roof, treatments, door and window openings, and other structural and decorative elements to reduce the apparent size and scale of the structure. Such developments shall comply with the following: (a) A minimum of 20% of the combined facades of the structure shall employ actual facade protrusions or recesses. (b) A minimum of 20% of the combined linear roof eave or parapet lines of the structure shall employ differences in height of 8 feet or more. (c) Roofs with particular slopes may be required by the City to compliment existing buildings or otherwise establish a particular aesthetic objective. (1984 07/27/99)

(g) **Ground Cover.** Exposed ground surfaces in all parts of every development shall be paved or covered with stone screenings or other solid material or protected with a vegetated growth that is capable of preventing soil erosion and eliminating objectionable dust.

(h) **Lighting.** All developments shall be furnished with lighting so spaced and equipped with luminaries placed at such heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

1. All parts of each development street, a minimum of 0.1 foot candles.

2. Potentially hazardous locations, such as major roads, major development road intersections and steps or step ramps, individually illuminated with a minimum of 0.3 foot candles.

(i) **Liquid Waste.** All liquid waste originating at dwelling units, service or other buildings within the development shall be discharged into a sewage system extended to and connecting with the public sewerage system. Such system shall comply with all provisions of the State Code and City Ordinances relating to plumbing and sanitation. Each individual dwelling unit shall be provided with a
minimum of a four inch water-tight sewer connection, protected from damage by heating and thawing, with a continuous grade which is not subject to surface drainage, so constructed that it can be closed when not in use, and trapped in such a manner that it can be kept odor free. Adequate provisions shall be made for the disposal of solid and liquid wastes in a manner approved by the City. Sewer mains from the public street that serves three or more dwelling units, shall meet the requirements of the most current edition of the Standard Specifications for Sewer and Water Construction in Wisconsin.

(j) Mechanical Equipment, Refuse containers, and Permitted Outdoor Storage. Mechanical equipment, refuse containers, and any permitted outdoor storage shall be fully concealed from off-site and on-site ground level views with materials identical to those used on the building exterior. (1984 07/27/99)

(k) Off-Street Parking. Off-street parking spaces shall be provided for each dwelling unit and shall be surfaced with a bituminous or concrete or other approved similar material, capable of carrying a wheel load of four thousand (4,000) pounds. See Ch. 17 of this Code for the number of parking spaces required.

(l) Public Entryways. Public entryways shall be prominently indicated from the building’s exterior design and shall be emphasized by on-site traffic flow patterns. All sides of the building that directly face or abut a public street shall have public entrances. (1984 07/27/99)

(m) Road Standards. All dwelling units shall abut upon a road or off-road parking area. All roads within the development shall be provided with a smooth surface, paved with bituminous or concrete or other approved similar material, which shall be well drained under normal use and weather conditions for the area. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Grades of streets shall be sufficient to insure adequate surface drainage, but not more than 8 percent (8%), provided a maximum grade of 12 percent (12%) may be used if approved by the City Engineer as safe and designed to avoid traffic hazards. Roads shall be at approximately right angles within one hundred (100) feet of an intersection. Intersections of more than two roads at one point shall not be allowed. A distance of at least one hundred (150) feet shall be maintained from centerlines of offset intersecting streets. All roads shall be a minimum paved width of 24 feet, provided that such roads are designated, signed, and regulated as fire lanes. The Plan Commission shall be authorized to require additional paved road width up to 36 feet wide on any roads in a development after considering the following standards: (2060 06/26/01)

1. Traffic volumes, routes, access and congestion.
2. Collector roads versus local roads.
3. Number of dwelling units and/or business units served by a road.
4. Emergency and Safety considerations.

(n) Sidewalks. All development shall provide pedestrian walks paved with bituminous or concrete or other approved similar material between individual dwelling units, roads, recreational areas and community facilities. Grade and surfacing of walks shall be approved by the City Engineer as safe and comparable to sidewalks in other areas of the City subject to similar usage. All sidewalks shall meet all applicable state and federal regulations regarding accessibility. All sidewalks shall have a minimum width of at least four feet and there shall be a sidewalk on at least one side of all roads with a four foot tree bank between the paved street and sidewalk.

(o) Underground Utilities. All television cable systems, electrical and telephone distribution lines and oil or gas piping serving the development or the dwelling units therein, shall be installed underground. Distribution systems shall be new and all parts and installation shall comply with all applicable federal, state and local codes.

(p) Water Service. Individual valved water service connections shall be provided for direct use of each dwelling unit, and shall be constructed and installed so that it will not be damaged by frost. Water systems shall be adequate to provide pure, potable water supply of six (6) gallons per minute, at a minimum pressure of 20 psi. Water mains from the public street which serves three or more dwelling units shall be provided with an approved fire hydrant or flushing device at the end. All fire hydrants shall meet the requirements of the most current edition of the Standard Specifications for Sewer and Water Construction in Wisconsin, and Subs. (17)
of this Section, and §13.17(3) of the Municipal Code.

(7) AUTHORITY TO INSPECT. The City Health Officer, Building Inspector, Public Works Director, Police Chief, Fire Chief, or other lawful agents or employees of the City are authorized and directed to inspect developments at any reasonable time to determine the health, safety, and welfare of the occupants of the development and inhabitants of the City as affected thereby, and the compliance of the operation, structure, and activities therein with this section and all other applicable laws and regulations of the State and Ordinances of the City.

(8) PLUMBING, ELECTRICAL, BUILDING CODES APPLICABLE. All plumbing, electrical, building, and other work in, on or at any development regulated under this Section shall be in accordance with the Ordinances of the City and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Board of Health.

(9) NUMBERING OF DWELLING UNITS. All dwelling units within a development shall be numbered in the same manner as set forth in Chapter 8 of this Code utilizing a numbering plan approved by the Fire Chief and Police Chief.

(10) FIRE PROTECTION. The development shall be maintained free of litter, rubbish and other flammable materials. Fire lanes and fire hydrants shall be constructed, installed and maintained as required by this chapter.

(11) DISPOSAL OF SOLID WASTE. Every development shall place and maintain fly-tight, watertight, rodent-proof refuse dumpsters of sufficient size and numbers and conveniently located and easily accessible to each dwelling unit. The development shall provide for the sanitary and safe pick up, removal and disposal of all refuse and garbage in a sanitary manner at least weekly. Each garbage pick-up site shall be attractively maintained and shall be surrounded with fencing of such material which will effectively screen the site and prevent paper and debris from being blown or spread about, and will be reasonably inaccessible to animals. The collection, removal and disposal of recyclables from each development shall be in accordance with the laws and regulations of the State of Wisconsin and the Ordinances of the City, including regulations promulgated by the Public Works Superintendent.

(13) SPECIAL CONDITIONS ESTABLISHED BY PLAN COMMISSION. Any specific conditions established by the Plan Commission pursuant to the granting of a conditional use permit for a development shall be deemed a specific minimum requirement for the operation of the development to which such condition applies.

(14) ZONING DISTRICT REQUIREMENTS. Each development shall comply with all of the requirements applicable to the zoning district in which it is located.

(15) SETBACK. Developments shall meet the following setback requirements.

(a) One or two family dwelling units within a development:
   1. Set backs from roads and parking areas shall be 25 feet.
   2. Rear yard distance between adjoining dwelling units shall be 50 feet.
   3. Side yard distance between adjoining dwelling units shall be 16 feet.
   4. Accessory buildings shall maintain a distance of at least 6 feet between accessory buildings on the side, and 20 feet on the rear.

(b) Three or more family dwelling units within a development:
   1. Set backs from roads and parking areas shall be 25 feet.
   2. Rear yard distance between adjoining dwelling units shall be 50 feet.
   3. Side yard distance between adjoining dwelling units shall be 20 feet.
   4. Accessory buildings shall maintain a distance of at least 6 feet between accessory buildings on the side, and 20 feet on the rear.

(c) Where a 1 or 2 family dwelling unit adjoins a 3 or more family dwelling unit complex, the requirements under subsection (b) above shall apply.
DEDICATION AND RESERVATION OF LANDS; PAYMENT OF PARK FEE IN LIEU OF DEDICATION. The dedication and reservation of land for parks, recreation areas, and other public purposes, and the payment of the park fee in lieu of dedication required and regulated by Subch. VI, §17.83 of the Zoning Code, shall apply to residential developments subject to this section. (2144 03/09/04)

DEVELOPER'S AGREEMENT. Before final approval of any development and before granting a special use multi-family real estate development permit under this section, the Developer shall enter into an agreement with the City to install the required improvements and shall file with the Developer's Agreement an Irrevocable Letter of Credit or other appropriate sureties meeting the approval of the City Attorney equal to the estimated cost of the improvements. Improvement cost estimates shall be made by the Developer, reviewed by the City Engineer and approved by the Council. The improvements may be installed after approval of the development and issuance of the development and issuance of the permit by the Developer or his/her sub-contractors, but not later than 12 months from the date of the issuance of the permit, or as provided in the Developer's Agreement. The Developer's Agreement shall specify a completion date for all improvements. In addition:

(a) Plans and specifications for all improvements shall be reviewed and approved by the City Engineer, in writing, prior to the commencement of construction. The Developer may submit an interim plan with the improvement plan; however, review an approval of a final Development Plan shall not be initiated until the improvement plans have been reviewed and approved and until the Developer's Agreement has been fully executed.

(b) Contract and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and sub-contractors providing such work shall be subject to the prior written approval of the City Engineer in accordance with City standards and specifications.

(c) Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

(d) Before final approval of any development covered by this section, the developer shall install survey monuments placed in accordance with the requirements of Ch. 236, Wis. Stats., and/or as may be required by the City Engineer.

(e) Prior to the final approval of the development, the Developer shall furnish, when required by the City, a consent and waiver of the statutory provisions for special assessments for the installation of sanitary sewer, storm sewer, sewer laterals, water main, water laterals, curb and gutter, sidewalks, street surfacing, underground street services and all other utilities, which shall be in a form approved by the City Engineer, pursuant to §66.0703, Wis. Stats., and shall be recorded in the office of the Register of Deeds in the same manner as a Lis Pendens. Such consent and waiver shall provide that the installation of such improvements shall be made at the discretion of the Council.

(f) If the City retains the services of professional consultants, including, but not limited to, planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and/or other experts to assist the City in its review of a proposed land use development application coming before the Plan Commission and/or the Common Council, the applicant/developer may be required to reimburse the City for the costs incurred by the City to retain the services of such professional consultants and such reimbursement shall be in addition to the filing or permit fees, publication expenses, recording fees, and other fees paid by the applicant/developer. The applicant/developer shall reimburse the City for said costs promptly upon being invoiced for the same and the City may withhold issuance of a permit or delay final approval of a permit until the said costs and fees are reimbursed to the City in full. If the costs and fees are not reimbursed to the City within thirty (30) days of the date of billing, an additional administrative collection charge of 10% of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid and such charge shall be extended upon the current or next tax roll as a charge against the subject property for current services as provided in §66.0703, Wis. Stats. The City may require the applicant/developer to enter into an agreement providing for the reimbursement to the City for said costs and the said agreement may require the applicant/developer to file with the City an Irrevocable Letter of Credit or other appropriate sureties meeting the approval
of the City Attorney equal to the estimated cost of said services. (1961 12/22/98)

17.52 FIRE LANES AND FIRE HYDRANTS. (1870 05/14/96, 2002 02/11/2000) Fire lanes and fire hydrants shall be required in accordance with Ch. 5 of this code on public or private property used for assembly, commercial, educational, industrial, institutional, or multi-family dwelling purposes, and on private property containing residential developments consisting of three or more dwelling units to which access is provided from a public street by a private road or driveway or any dwelling unit if set back more than fifty feet from the paved portion of the public street. Fire lanes may also be designated on those private roads where it is found by the Fire Chief that such access is necessary for fire fighting equipment and apparatus. No building permit shall be issued without compliance with the terms of Ch. 5 if any part of the area being developed contains any of the uses or conditions described in this section.

17.53 HISTORIC PRESERVATION.

(1) PURPOSE AND INTENT. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of any place, structure or object of special character or special historic, archaeological, or aesthetic interest or other significant value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. This section is adopted pursuant to §62.23(7)(e)(m) of the State Statutes and the purpose of this section is to:

(a) Affect and accomplish the protection, enhancement, and perpetuation of such places, structures or objects which represent or reflect elements of the City's cultural, archaeological, social, economic, political and architectural history.

(b) Safeguard the City's historic, archaeological and cultural heritage as embodied and reflected in such historic places, structures or objects.

(c) Foster civic pride in the notable accomplishments of the past.

(d) Stabilize and improve property values.

(e) Protect and enhance the City's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

(f) Improve and enhance the visual and aesthetic character of the City.

(g) Educate the public regarding the need and desirability of the City's historic preservation program and its enhancement of the quality of life.

(2) DEFINITIONS. In this section:

(a) Historic place, structure or object means any site, parcel of land, building, improvement, work of art or other thing which has a special character or special historic interest, or special archaeological interest, or special aesthetic interest or other significant value as part of the development, heritage, archaeological or cultural characteristics of the City of Baraboo, Sauk County, State of Wisconsin, or United States and which has been designated as a historic place, structure or object by the Plan Commission pursuant to the provisions of this section.

(b) Certificate of Appropriateness means the Certificate issued by the Commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic place, structure or object.

(c) Improvement means any building, structure, place, work of art or other thing constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

(3) HISTORIC PRESERVATION COMMISSION. The City of Baraboo Plan Commission is hereby designated as the Historic Preservation Commission for the City.

(4) DESIGNATION OF HISTORIC PLACES, STRUCTURES OR OBJECTS. The Plan Commission shall have the power to designate historic places, structures or objects only as provided in this section. A designated historic place, structure or object shall be subject to all the provisions of this section.

(a) For purposes of this section, a historic place, structure or object designation may be established for any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archaeological or cultural significance to the City of Baraboo which the Plan Commission determines to be of significant historical, cultural, archaeological or aesthetic value to the City, Sauk County, State of Wisconsin and United States of America and which meets one or more of the following criteria:

1. It is listed on the National Register of Historic Places; or
2. It is listed on the State Register of Historic Places; or
3. All the owners of the proposed historic place, structure or object voluntarily apply for such designation and the proposed historic place, structure or object satisfies one or more of the following criteria:
   a. Exemplifies or reflects the broad, cultural, political, economic or social history of the United States of America, State of Wisconsin, Sauk County or City of Baraboo; or,
   b. Is identified with historic personages or with important events in national, state or local history; or
   c. Embodies the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
   d. Is representative of the notable work of a master builder, designer or architect who influenced his/her age; or
   e. Has yielded, or may be likely to yield, information important to prehistory or history.

(b) The Plan Commission shall adopt specific operating guidelines for historic places, structures or object designation providing such are in conformance with the provisions of this section.

(5) REGULATION OF CONSTRUCTION, RECONSTRUCTION, ALTERATION AND DEMOLITION OF DESIGNATED HISTORIC PLACES, STRUCTURES OR OBJECTS.

(a) No owner or person in charge of a designated historic place, structure or object shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the Plan Commission. Unless a Certificate of Appropriateness has been granted by the Plan Commission, the Building Inspector shall not issue a permit for any such work.

(b) Upon filing of an application for Certificate of Appropriateness with the Plan Commission, the Plan Commission shall approve the application unless:

1. In the case of a designated historic place, structure or object, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done.

2. In the case of a new improvement upon a historic place, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such historic place;

3. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City of Baraboo, Sauk County, or the State of Wisconsin;

4. The building or structure is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense.

5. In the case of a request for a demolition permit, the denial of the demolition permit would result in the loss of all reasonable and beneficial use of or return from the property; or

6. In the case of a request for the demolition of a deteriorated place, structure or object, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

(c) If the Plan Commission determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the
character and features or the historic place, structure or object, it shall issue the Certificate of Appropriateness. The Plan Commission shall make this decision within forty-five (45) days of the filing of the application.

(d) The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other City permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.

(e) Compliance with Certificates of Appropriateness shall be started within twelve (12) months after the issuance of a Certificate, and the work shall conform to the provisions of a Certificate. Failure to comply with a Certificate of Appropriateness or failure to obtain a Certificate of Appropriateness shall be a violation of this section. In addition to other penalties and remedies, the Building Inspector shall be empowered to issue a stop work order and all work shall cease on the designated property.

(f) Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involved to repair existing features of a historic place, structure or object or the replacement of elements of a historic place, structure or object with pieces identical in appearance and provided that the work does not change the exterior appearance of the historic place, structure or object and does not require the issuance of a building permit.

(g) If the Plan Commission fails to issue a Certificate of Appropriateness due to the failure of the application to conform to the guidelines set forth in this section, the applicant may appeal such decision to the Zoning Board of Appeals within thirty (30) days. In addition, if the Plan Commission fails to issue a Certificate of Appropriateness, the Plan Commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain the issuance of a Certificate of Appropriateness within the guidelines of this Section.

(h) At such time as a historic place, structure or object has been properly designated, the Plan Commission may, upon approval by the property owner, cause to be prepared and erected on such property at City expense, a suitable plaque declaring that such property is a historic place, structure or district and containing such other information deemed appropriate by the Plan Commission. Such plaque shall be so placed as to easily visible to passing pedestrians.

(6) PROCEDURES.

(a) The Plan Commission may, after notice and public hearing, designate historic places, structure or objects, recommend such designations, or rescind such designation or recommendation, after application of the criteria in Section 4 above. At least ten (10) days prior to such hearing, the Plan Commission shall notify the owners of record as listed in the office of the City Assessor who are owners of the property in whole or in part constituting the proposed designated historic place, structure or object. The owners shall have the right to confer with the Plan Commission prior to final action by the Plan Commission on the designation. Notice of such hearing shall be published as a Class 1 Notice under the Wisconsin Statutes. The Plan Commission shall also notify the Department of Public Works, the Baraboo Community Development Authority, the Baraboo Park and Recreation Department, the Fire Chief, the Police Chief, and the Building Inspector and Zoning Administrator. Each such department may respond to the Plan Commission with its comment on a proposed designation or on a proposed rescission of a designation.

(b) The Plan Commission shall conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Plan Commission may conduct an independent investigation into the proposed designation or rescission. Within thirty (30) days after the close of the public hearing, the Plan Commission may designate the property as either an historic place, structure or site or rescind such a designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the City Clerk, Building Inspector and City Assessor. The Plan Commission shall cause the designation or rescission to be recorded at City expense in the office of the Sauk County Register of Deeds.

(7) APPOINTMENT OF AD HOC ADVISORY COMMITTEE. The Plan Commission shall be empowered to appoint a five member Ad Hoc Committee to give advice and to make recommendations to the Plan Commission,
upon request, on any matters covered by this section. The members of committee shall be appointed by the Mayor, subject to confirmation by the Plan Commission. Members shall be residents of Sauk County, and shall serve staggered three (3) year terms. Each member shall have, to the highest extent practicable, a known interest in historic preservation.

(8) CONFORMANCE WITH REGULATIONS. Every person in charge of a historic place, structure or object shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this section. The Building Inspector is hereby authorized and directed to enforce the provisions of this section.

(9) REGULATIONS. The Plan Commission may from time to time promulgate, amend and rescind such regulations as it deems necessary to effectuate the purposes of this section.

(10) EMERGENCY CONDITIONS. In any case where the Building Inspector determines that there are emergency conditions dangerous to life, health or property affecting a historic place, structure or object, the Building Inspector may order the remediing of these conditions without the approval of the Plan Commission. The Building Inspector shall promptly notify the Plan Commission of the action being taken. When the emergency conditions do not require demolition, the Building Inspector shall make every effort to carry out the intent of this section and to use the design guidelines of the Plan Commission when remediing the emergency conditions.

(11) VIOLATIONS AND PENALTY. Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this section shall be subject to a penalty as provided in §17.54 of this Code. In any such action, the fact that a building permit may have been issued shall not constitute a defense. Compliance with the provisions of this section may also be enforced by an action to enjoin any construction, reconstruction, alteration or demolition work on a historic place, structure or object undertaken in violation of the provisions of this section and any such action to abate or enjoin shall be in addition to the penalty as provided in §17.54 of this Code.

17.54 GENERAL ADMINISTRATION AND ENFORCEMENT.

(1) GENERAL. The Zoning Code contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the provisions of the Zoning Code with the aid of the City Police Department, the City Engineer and the City Attorney. The Zoning Administrator and City Police officers shall be authorized and empowered to issue uniform citations or complaints to persons violating the Zoning Code. Certain matters, such as the granting of conditional uses, special zoning exceptions, multi-family development uses, changes in zoning districts and The Zoning District Map and amendments to the text of The Zoning Code require review and recommendation, if any, and/or decisions by the Plan Commission and, in certain matters, ultimate action by the City Council. The Zoning Board of Appeals is provided to assure proper administration of The Zoning Code and the Building, Plumbing, Electrical and Fire Codes and to avoid arbitrariness.

(2) DUTIES OF ZONING ADMINISTRATOR. The City Council shall designate the Zoning Administrator as the Administrative Enforcement Officer for the provisions of the Zoning Code. It shall be the duty of the Zoning Administrator to interpret and administer the Zoning Code and to issue, after on-site inspection, all permits required by the Zoning Code, except variances, conditional use permits, multi-family development permits under §17.51 and special zoning exceptions. The Zoning Administrator shall further:

(a) Maintain records of the issuance of all permits under the Zoning Code including conditional use permits, variances, special zoning exceptions, multi-family development permits and all other permits required by the Zoning Code. The Zoning Administrator shall further assure that all such permits are recorded in the office of the Sauk County Register of Deeds.

(b) Maintain records of all inspections made, work approved and other official actions.

(c) Record the lowest floor elevations of all structures erected, moved, altered, or improved in the floodland districts.

(d) Establish that all necessary permits that are required for floodland uses by state and federal agencies have been secured.

(e) Inspect all structures, lands, and waters as often as necessary to assure compliance with this Zoning Code.

(f) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Zoning Code to the owner, resident, agent or occupant of the premises and report uncorrected violations to the City Attorney in a manner specified by said Attorney.

(g) Prohibit the use or erection of any structure, land or water until he/she has inspected and approved such use or erection.

(h) Request assistance and cooperation from the City Police Department, City Engineer, City Administrator, City Building Inspector, and City Attorney as deemed necessary.
(j) Prepare and maintain a current listing of all legal and illegal non-conforming uses, non-conforming structures and non-conforming lots in the City as required by this subchapter.

(j) Thoroughly investigate and make reports and recommendations to the Plan Commission, Zoning Board of Appeals, and City Council regarding all requests for annexations, zoning changes, conditional use permits, variances, special zoning exceptions, multi-family development permits, and any other zoning related matter under consideration by the Plan Commission, Zoning Board of Appeals, and/or City Council.

(3) ROLE OF SPECIFIC GOVERNING BODIES AND ZONING ADMINISTRATION.

(a) Plan Commission. The Plan Commission, together with its statutory duties, shall make reports and recommendations relating to the planning and development of the City to the City Council, other City officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote City planning. Under the Zoning Code, its functions are primarily to make recommendations to the City Council, except for issuance of conditional use permits, multi-family development permits, and lot size variances, pursuant to the guidelines set forth in this Chapter as to various matters and, always, being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing and a recording thereof in the Plan Commission's minutes shall constitute the required written recommendation. The Plan Commission may decline to make a recommendation on any matter in its report to the City Council. The Plan Commission, in making its report and recommendation, or in deciding the issuance of a permit, may, in its discretion, conduct a public hearing on any pending matter the Plan Commission deems appropriate and the Plan Commission may further direct the issuance of notices of pending matters to the extent it deems appropriate. Unless public notice is mandated by the State Statutes, the failure of any person to receive notice of a public hearing held by the Plan Commission or of the Plan Commission's consideration of a pending matter shall not, however, invalidate any action by the Plan Commission on such matter.

(b) City Council. The City Council has ultimate authority to grant special zoning exceptions, make changes and amendments in zoning districts, the Zoning District Map, and to amend the text and regulations of The Zoning Code. The granting or denial of a conditional use permit by the Plan Commission may also be appealed to the City Council for ultimate decision. To the extent required by the Wisconsin Statutes, the City Council shall first submit pending matters covered by this chapter to the Plan Commission for review, recommendation, if any, and report. The City Council may delegate to the Plan Commission the responsibility to hold some or all public hearings required by The Zoning Code.

(c) Zoning Board of Appeals. A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers boards or commissions in the enforcement of the Zoning Code and the Building, Plumbing, Electrical or Fire Codes to the extent authorized by this chapter or the State Statutes. See Zoning Board of Appeals section of this Chapter for further details.

(4) VIOLATIONS AND PENALTIES.

(a) Violations. It shall be unlawful to use or improve any structure or land or to use water or air in violation of any of the provisions of the Zoning Code. In case of any violation, the City Council, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation may cause appropriate action or proceedings to be instituted to enjoin a violation of the Zoning Code or cause a structure or building to be vacated or removed.

(b) Remedial Action. In addition to a violation of Sub. (a), whenever an order of the Zoning Administrator has not been fully performed after written notice thereof has been issued to the owner, owner's agent, and/or occupant of the parcel(s) subject to the order, the City Council, the Zoning Administrator, or the City Attorney may institute appropriate action or proceedings to recover a forfeiture and/or proceedings to prevent such unlawful location, construction, reconstruction, change, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or parcel, or to prevent any illegal act, conduct, business, or use in or upon such parcel, and said proceedings may be consolidated in one action or commenced as separate actions concurrently, or at different times. In all cases, the City's remedies shall be cumulative. The written notice of a violation shall state the nature of the violation, the date of such violation, and the corrective measures to be taken, together with the time in which such correction shall be made. The time limit set for correcting violations shall take into consideration a reasonable period of time to correct the violation or deficiency and/or whether prior notice has been issued or given to the violator. The time limit shall be no greater than thirty (30) days or less than twenty-four (24) hours. Notice of a violation shall be deemed made upon mailing such notice by certified mail, return receipt requested, or
by personal delivery, or by posting the notice on the lot or parcel and mailing the notice to the violator by first class mail, postage pre-paid. When notice is mailed, it shall be sent to the owner or owner’s agent of the parcel at the address as shown on the City’s current tax assessment roll for the parcel subject to the notice and/or to the occupant of the parcel at the address for the parcel where the violation occurred or exists. (2001 01/11/2000, 2138 01/27/04)

(c) Public Nuisance. Any building or structure erected, moved, improved, used, altered or placed on any land in violation of the Zoning Code or any use of land carried on in violation of the Zoning Code is hereby declared to be a public nuisance under Ch. 10 of The City Codes and the City may, in addition to seeking a forfeiture and/or remedial action as provided in this subsection, commence a Court action for the abatement of the public nuisance as provided in §10.07 of The City Codes. If the City proceeds with the commencement of an abatement action under §10.07, the notice provisions of that section shall apply to the abatement proceeding.

(d) Penalties. Any person who violates, disobeys, neglects, omits or refuses to comply with, or resists the enforcement of any of the provisions of Ch. 17, including each Subchapter thereof, shall be subject to a penalty as provided in §25.04 of this Code. In addition, any person who fails to comply with any order of the Zoning Administrator issued under subs. (b) above shall be subject to a penalty as provided in §25.04 of this Code. Each violation and each day a violation continues or occurs shall constitute a separate offense. (2001 01/11/2000)

(5) SEVERABILITY OF CODE PROVISIONS. If any section, subsection, sentence, clause or phrase of this Zoning Code is for any reason held to be invalid or unconstitutional by reason of any decision of any Court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof and to this extent, the provisions of the Zoning Code shall be severable.

17.55 COMPREHENSIVE PLAN (2199 07/12/05)

(1) The City of Baraboo Comprehensive Plan, dated June, 2005, which is on file in the office of the City Engineer is adopted as the Comprehensive Plan of the City of Baraboo pursuant to Wis. Stats. §66.1001, and is incorporated herein by reference.

(2) The City Council shall review the Comprehensive Plan annually in July of each year, making such amendments as may be needed based upon a change in circumstances. The Council may delegate review of the Comprehensive Plan to the City of Baraboo Plan Commission.

17.56 to 17.65 RESERVED.

APPENDIX “A”

Examples of terms used in Section 17.15 of the Zoning Code regulating existing lawful non-conforming uses

A. A lawful nonconforming use of land without structures. An example of this is the pasturing of cattle (the non-conforming use) on lands zoned residential, or the growing of farm crops on lands zoned residential.

B. A lawful nonconforming use in a conforming structure. An example of this is the operation of an auto repair garage in a building located in a downtown business district where such a use is not permitted but where the building conforms to all the site requirements, such as set back, side yard, etc. of the district.

C. Lawful nonconforming use in a nonconforming structure. This is where the structure is nonconforming as to site restrictions, such as setback, side yard and the use of that structure is also nonconforming. For example, the existence of a motel in a residential district where the motel buildings do not meet setback, side yard or density requirements.

D. Lawful nonconforming use on a conforming lot. This is where a lot meets all of the requirements in the zoning district where it is located (i.e. size, dimension), but where the lot contains a use which is not permitted in the district.

E. Lawful nonconforming use on a nonconforming lot. An example of this would be an undersized lot or a lot that does not meet frontage requirements, where the lot contains a nonconforming use, such as a substandard residential lot that has a commercial use on it.

F. The lawful nonconforming use of land with conforming structures. An example of this would be where land area in a residentially zoned district is used or a farming operation but the buildings conform to the requirements for the district.

G. Lawful nonconforming use of land with nonconforming structures. This is where the structures would be nonconforming as to side yard, setback, minimum square footage or maximum square footage etc., for the district and the use of the land is also nonconforming for the district. An example of this would be a farming operation in a residential district where the buildings do not meet setback, side yard, etc.
SUBCHAPTER II: FLOODPLAIN ZONING ORDINANCE (09/08/15, 2431)

17.66 FLOODPLAIN ZONING ORDINANCE

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION
This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT
Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.
1.3 STATEMENT OF PURPOSE
This ordinance is intended to regulate floodplain development to:
(1) Protect life, health and property;
(2) Minimize expenditures of public funds for flood control projects;
(3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
(4) Minimize business interruptions and other economic disruptions;
(5) Minimize damage to public facilities in the floodplain;
(6) Minimize the occurrence of future flood blight areas in the floodplain;
(7) Discourage the victimization of unwary land and homebuyers;
(8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
(9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 TITLE
This ordinance shall be known as the Floodplain Zoning Ordinance for the City of Baraboo, Wisconsin.

1.5 GENERAL PROVISIONS
(1) AREAS TO BE REGULATED
This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) OFFICIAL MAPS & REVISIONS
The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. 8.0 Amendments) before it is effective. No changes to RFE’s on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the City Engineer, City of Baraboo, Wisconsin. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) OFFICIAL MAPS : Based on the FIS: (select one or more of the following map citations that apply to your community; contact your DNR office if you have questions, or go to http://store.msc.fema.gov to access the FEMA Map Store)

1. Flood Insurance Rate Map (FIRM), panel numbers 55111C0382F, 55111C0383F, 55111C0384F, 55111C0402F, 55111C0403F, 55111C0404F, dated November 20, 2013; with corresponding profiles that are based on the Flood Insurance Study (FIS) numbered 55111CV001C and 55111CV002C; Approved by: The DNR and FEMA.

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS
The regional floodplain areas are divided into three districts as follows:
(a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
(b) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
(c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.
LOCATING FLOODPLAIN BOUNDARIES
Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0 Amendments. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 Amendments.

(a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

REMOVAL OF LANDS FROM FLOODPLAIN
Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 Amendments.

COMPLIANCE
Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

MUNICIPALITIES AND STATE AGENCIES REGULATED
Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

ABROGATION AND GREATER RESTRICTIONS
(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

INTERPRETATION
In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

WARNING AND DISCLAIMER OF LIABILITY
The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.
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.

ANNEXED AREAS FOR CITIES AND VILLAGES
The Sauk County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS
The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

HYDRAULIC AND HYDROLOGIC ANALYSES
(1) No floodplain development shall:

(a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or

(b) Cause any increase in the regional flood height due to floodplain storage area lost.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 8.0 Amendments are met.

WATERCOURSE ALTERATIONS
No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 2.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 8.0 Amendments, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

CHAPTER 30, 31, WIS. STATS., DEVELOPMENT
Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 Amendments.

PUBLIC OR PRIVATE CAMPGROUNDS
Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

(1) The campground is approved by the Department of Health Services;

(2) A land use permit for the campground is issued by the zoning administrator;

(3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;

(4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this
section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

(5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;

(6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;

(7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;

(8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;

(9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

(10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0, 4.0 or 5.0 for the floodplain district in which the structure is located;

(11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and

(12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

3.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY
This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.4.

3.2 PERMITTED USES
The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
- they meet the standards in s. 3.3 and 3.4; and
- all permits or certificates have been issued according to s. 7.1.

(1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

(2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

(3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).

(4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.

(5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).

(6) Functionally water dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.

(7) Public utilities, streets and bridges that comply with s. 3.3(3).

3.3 STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY

(1) GENERAL

(a) Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.

(b) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1 and 7.1(2)(c):

17-114
1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

2. An analysis calculating the effects of this proposal on regional flood height.

(c) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for subd. (b) above.

(2) STRUCTURES

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

(a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;

(b) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(c) Must be anchored to resist flotation, collapse, and lateral movement;

(d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

(e) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(3) PUBLIC UTILITIES, STREETS AND BRIDGES

Public utilities, streets and bridges may be allowed by permit, if:

(a) Adequate floodproofing measures are provided to the flood protection elevation; and

(b) Construction meets the development standards of s. 2.1.

(4) FILLS OR DEPOSITION OF MATERIALS

Fills or deposition of materials may be allowed by permit, if:

(a) The requirements of s. 2.1 are met;

(b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;

(c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

(d) The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

(1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

(2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

(3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

(4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;

(5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;

(6) Any solid or hazardous waste disposal sites;

(7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and

(8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.
4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY
This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.4.

4.2 PERMITTED USES
Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE
S. 2.1 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 6.0 Nonconforming Uses;

(1) RESIDENTIAL USES
Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 6.0 Nonconforming Uses;

(a) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s 4.3 (1)(b) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

(b) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;

(c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).

(d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:

1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

2. The municipality has a DNR-approved emergency evacuation plan.

(2) ACCESSORY STRUCTURES OR USES
Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) COMMERCIAL USES
Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES
Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS
Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES
All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

(a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5.

(b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS
All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood
water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) Wells
All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) Solid Waste Disposal Sites
Disposal of solid or hazardous waste is prohibited in flood fringe areas.

(10) Deposition of Materials
Any deposited material must meet all the provisions of this ordinance.

(11) Manufactured Homes
(a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
   1. have the lowest floor elevated to the flood protection elevation; and
   2. be anchored so they do not float, collapse or move laterally during a flood

(c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood fringe in s. 4.3(1).

(12) Mobile Recreational Vehicles
All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

5.0 General Floodplain District (GFP)

5.1 Applicability
The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

5.2 Permitted Uses
Pursuant to s. 5.4, it shall be determined whether the proposed use is located within the floodway or flood fringe.

Those uses permitted in the floodway (s. 3.2) and flood fringe (s. 4.2) Districts are allowed within the General Floodplain District, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

5.3 Standards for Development in the General Floodplain District
S. 3.0 applies to floodway areas, s. 4.0 applies to flood fringe areas. The rest of this ordinance applies to either district.

(1) In AO/AH Zones the structure’s lowest floor must meet one of the conditions listed below whichever is higher:
   (a) at or above the flood protection elevation;
   or
   (b) two (2) feet above the highest adjacent grade around the structure; or
   (c) the depth as shown on the FIRM

(2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

5.4 Determining Floodway and Flood Fringe Limits
Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

(1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.

(2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
   (a) A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
   (b) Plan (surface view) showing elevations or contours of the ground; pertinent
structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

(c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

6.0 NONCONFORMING USES

6.1 GENERAL

(1) APPLICABILITY
If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

(2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

(a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

(c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

(d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

(e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1);

(f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1);

(g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-
damaged condition equals or exceeds 50% of the structure’s present equalized assessed value.

(h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

1. Residential Structures
   a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).

   b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

   c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

   d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

   e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).

   f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures
   a. Shall meet the requirements of s. 6.1(2)(h)1a-f.

   b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5(1) or (2).

   c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).

(3) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 3.3(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1(2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

6.2 FLOODWAY DISTRICT
   (f) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:

   (a) Has been granted a permit or variance which meets all ordinance requirements;

   (b) Meets the requirements of s. 6.1;

   (c) Shall not increase the obstruction to flood flows or regional flood height;

   (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and

   (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

      1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

      2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

4. The use must be limited to parking, building access or limited storage.

(2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and ch. SPS 383, Wis. Adm. Code.

(3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE DISTRICT

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 6.3(2) is applicable.

(2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

(a) No floor is allowed below the regional flood elevation for residential or commercial structures;

(b) Human lives are not endangered;

(c) Public facilities, such as water or sewer, shall not be installed;

(d) Flood depths shall not exceed two feet;

(e) Flood velocities shall not exceed two feet per second; and

(f) The structure shall not be used for storage of materials as described in s. 4.3(5).

(3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 7.5(3) and ch. SPS 383, Wis. Adm. Code.

(4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5(3) and ch. NR 811 and NR 812, Wis. Adm. Code.

7.0 ADMINISTRATION

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

7.1 ZONING ADMINISTRATOR

(1) DUTIES AND POWERS

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

(a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

(b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.

(c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

(d) Keep records of all official actions such as:

1. All permits issued, inspections made, and work approved;
2. Documentation of certified lowest floor and regional flood elevations;
3. Floodproofing certificates.
4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
5. All substantial damage assessment reports for floodplain structures.
6. List of nonconforming structures and uses.

(e) Submit copies of the following items to the Department Regional office:
1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;

2. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.

3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

(g) Submit copies of amendments to the FEMA Regional office.

(2) LAND USE PERMIT

A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;

2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;

2. Location of the ordinary highwater mark of any abutting navigable waterways;

3. Location of any structures with distances measured from the lot lines and street center lines;

4. Location of any existing or proposed on-site sewage systems or private water supply systems;

5. Location and elevation of existing or future access roads;

6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;

7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and

9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains:

   a. Hydrology

      i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

   b. Hydraulic modeling

      The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

      i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

      ii. channel sections must be surveyed.
iii. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

v. the most current version of HEC_RAS shall be used.

vi. a survey of bridge and culvert openings and the top of road is required at each structure.

vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping
A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

i. If the proposed development is located outside of the floodway, it is determined to have no impact on the regional flood elevation.

ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains
a. Hydrology
If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

b. Hydraulic model
The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

i. Duplicate Effective Model
The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model
The Corrected Effective Model shall not include any man-made physical changes since the effective model date,
but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.
The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.
The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping
Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

vii. Both the current and proposed floodways shall be shown on the map.

viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.
(d) EXPIRATION
All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(3) CERTIFICATE OF COMPLIANCE
No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

(a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

(b) Application for such certificate shall be concurrent with the application for a permit;

(c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

(d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.

(4) OTHER PERMITS
Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 ZONING AGENCY
(1) The City of Baraboo Plan Commission shall:

(a) oversee the functions of the office of the zoning administrator; and

(b) review and advise the governing body on all proposed amendments to this ordinance, maps and text.

(2) The City of Baraboo Plan Commission shall not:

(a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or

(b) amend the text or zoning maps in place of official action by the governing body.

7.3 BOARD OF ADJUSTMENT/APPEALS
The Board of Adjustment/Appeals, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

(1) POWERS AND DUTIES
The Board of Adjustment/Appeals shall:

(a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;

(b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and

(c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) APPEALS TO THE BOARD
(a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES
1. Notice - The board shall:

a. Fix a reasonable time for the hearing;

b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and

c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

2. Hearing - Any party may appear in person or by agent. The board shall:
a. Resolve boundary disputes according to s. 7.3(3);
b. Decide variance applications according to s. 7.3(4); and
c. Decide appeals of permit denials according to s. 7.4.

(c) DECISION: The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;
2. Be sent to the Department Regional office within 10 days of the decision;
3. Be a written determination signed by the chairman or secretary of the Board;
4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES
The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

(a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;

(b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and

(c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 Amendments.

(4) VARIANCE
(a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
1. Literal enforcement of the ordinance will cause unnecessary hardship;
2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
3. The variance is not contrary to the public interest; and
4. The variance is consistent with the purpose of this ordinance in s. 1.3.

(b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
1. The variance shall not cause any increase in the regional flood elevation;
2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

(c) A variance shall not:
1. Grant, extend or increase any use prohibited in the zoning district;
2. Be granted for a hardship based solely on an economic gain or loss;
3. Be granted for a hardship which is self-created.
4. Damage the rights or property values of other persons in the area;
5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 Amendments; and
6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
(d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to $25.00 per $100.00 of coverage. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

(1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:
(a) Permit application data listed in s. 7.1(2);
(b) Floodway/floodfringe determination data in s. 5.4;
(c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator; and
(d) Other data submitted with the application, or submitted to the Board with the appeal.

(2) For appeals of all denied permits the Board shall:
(a) Follow the procedures of s. 7.3;
(b) Consider zoning agency recommendations; and
(c) Either uphold the denial or grant the appeal.

(3) For appeals concerning increases in regional flood elevation the Board shall:
(a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 Amendments; and
(b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

7.5 FLOODPROOFING STANDARDS FOR NONCOMFORMING STRUCTURES OR USES

(1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.

(2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
(a) certified by a registered professional engineer or architect; or
(b) meets or exceeds the following standards:
1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
2. the bottom of all openings shall be no higher than one foot above grade; and
3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(3) Floodproofing measures shall be designed, as appropriate, to:
(a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
(b) Protect structures to the flood protection elevation;
(c) Anchor structures to foundations to resist flotation and lateral movement;
(d) Minimize or eliminate infiltration of flood waters; and
(e) Minimize or eliminate discharges into flood waters.

7.6 PUBLIC INFORMATION

(1) Place marks on structures to show the depth of inundation during the regional flood.

(2) All maps, engineering data and regulations shall be available and widely distributed.

(3) Real estate transfers should show what floodplain district any real property is in.

8.0 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

(1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.
In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

8.1 GENERAL
The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

(1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

(2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;

(3) Any changes to any other officially adopted floodplain maps listed in 1.5 (2)(b);

(4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;

(5) Correction of discrepancies between the water surface profiles and floodplain maps;

(6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality;

(7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

8.2 PROCEDURES
Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. The petitions shall include all data required by ss. 5.4 and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

(1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.

(2) No amendments shall become effective until reviewed and approved by the Department.

(3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

9.0 ENFORCEMENT AND PENALTIES
Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than $10.00 (ten dollars) and not more than $50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

10.0 DEFINITIONS
Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

1. AH ZONE – See “AREA OF SHALLOW FLOODING”.

2. AO ZONE – See “AREA OF SHALLOW FLOODING”.

3. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

4. ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

5. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with
a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

6. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

7. BASEMENT – Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

8. BUILDING – See STRUCTURE.

9. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

10. CAMPGROUND – Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

11. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

12. CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

13. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

14. CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

15. DECK – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

16. DEPARTMENT – The Wisconsin Department of Natural Resources.

17. DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

18. DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

19. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.

20. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.

21. FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

22. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
   - The overflow or rise of inland waters;
   - The rapid accumulation or runoff of surface waters from any source;
   - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
   - The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

23. FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

24. FLOODEFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

25. FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones.
and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

26. FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

27. FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

28. FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

29. FLOODPLAIN MANAGEMENT – Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

30. FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

31. FLOODPROOFING – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

32. FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

33. FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

34. FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

35. FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

36. HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.

37. HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

38. HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

39. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

40. HISTORIC STRUCTURE – Any structure that is either:
   • Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
   • Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
   • Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
   • Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.

41. INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

42. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see
DEVELOPMENT.)

43. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

44. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

45. MAINTENANCE – The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

46. MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

47. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

48. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

49. MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.

50. MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

51. MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

52. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

53. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

54. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

55. MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

56. MUNICIPALITY or MUNICIPAL – The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

57. NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.

58. NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.

59. NEW CONSTRUCTION – For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such
structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

60. NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

61. NONCONFORMING USE – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

62. OBSTRUCTION TO FLOW – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

63. OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.

64. OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.

65. ORDINARY HIGHWATER MARK – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

66. PERSON – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

67. PRIVATE SEWAGE SYSTEM – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

68. PUBLIC UTILITIES – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

69. REASONABLY SAFE FROM FLOODING – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

70. REGIONAL FLOOD – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

START OF CONSTRUCTION – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

71. STRUCTURE – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

72. SUBDIVISION – Has the meaning given in s. 236.02(12), Wis. Stats.

73. SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

74. SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living.
conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

75. UNNECESSARY HARDSHIP – Where special conditions affecting a particular property, which were not self created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

76. VARIANCE – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

77. VIOLATION – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

78. WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.

79. WATER SURFACE PROFILE – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

80. WELL – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

17.76 to 17.79 Reserved for future use.

SUBCHAPTER III: SIGN CODE

17.80 REGULATION OF SIGNS (1905 05/13/97, 2424 11/11/2014)

(1) PURPOSE OF SUBCHAPTER.

(a) This Subchapter is adopted under the Zoning authority of the City in furtherance of the more general purposes set forth in the Zoning Code. The purpose of this Sign Regulation Subchapter is to provide the legal framework and minimum standards for regulating and controlling the design, number, size, quality of materials, construction, location, electrification, movement, motion, lighting, installation and maintenance of all signs, awnings and canopies in the City of Baraboo in order to:

1. Balance the right of individuals to identify their businesses and activities and convey their messages, and the right of the public to be protected against the unrestricted proliferation of signs;
2. Further the objectives of the City Comprehensive Zoning Plan.
3. Protect and safeguard the public health, safety, welfare and to maintain and enhance the aesthetic environment.
4. Improve pedestrian and traffic safety.
5. Facilitate the creation of an attractive and harmonious community.
6. Protect property values.
7. Promote economic development and growth.
8. Preserve the right of free speech exercised to the use of signs containing non-commercial messages.
9. Minimize the possible adverse affects of signs on nearby public and private property.
10. Enable the fair and consistent enforcement of sign restrictions.
11. Establish a permit system to assure that signs are only erected, placed, established, painted, created and maintained in the City in conformance with the standards, procedures, exemptions and other requirements of this Subchapter.
(b) This Subchapter recognizes the need for well-maintained and attractive sign displays within the community and the need for adequate business identification, advertising and communication.

(c) This Subchapter authorizes the use of signs visible from the public right-of-way, provided the signs are:

1. Compatible with the zoning district regulations.
2. Designed, constructed, installed and maintained to not endanger public safety or traffic safety.
3. Legible, readable, visible and well-designed for the circumstances in which they are used; and
4. Respectful of the reasonable rights of other advertisers.

(d) Unless otherwise specified in this Subchapter, the term “sign” shall include a canopy and/or an awning, whether or not a canopy or awning is used for advertising purposes.

(2) ADMINISTRATION OF SUBCHAPTER.

(a) Building Inspector. The City Building Inspector shall record and file all applications for a sign permit with any accompanying plans and documents, make inspections of signs in the City of Baraboo and make such reports as the City may require. The Building Inspector may issue the requested permit if the sign permit application is approved.

(b) Sign Inspection.

1. The Building Inspector shall inspect bi-annually, each sign regulated by this Ordinance for the purpose of ascertaining whether the structure is unsafe, in need of repair, not in conformance with the permit application, or otherwise in violation of the provisions of this Ordinance.

2. If any sign is found to be an unlawful sign, the Building Inspector shall proceed as provided in §(16) Violations and Penalties of this Subchapter.

(3) SIGN PERMIT REQUIREMENTS.

(a) Permit Required. Except as provided in §(11), all signs or devices used to attract attention for advertising or identification purposes, whether defined in this Subchapter or not, require a permit. It shall be unlawful for any person to erect, enlarge, relocate or structurally alter any sign within the City of Baraboo without first obtaining a sign permit from the Building Inspector and making payment of the required fee. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code and its required permit fees.

(b) Application.

1. A sign permit application shall be filed with the Building Inspector. A sign permit shall become null and void if work authorized under the permit has not been completed within six (6) months of the date of issuance. Only the person who has submitted the sign application and paid the necessary fee shall be authorized to erect the sign. A permit may be taken out on behalf of the sign owner by a sign contractor; however, this shall not relieve the sign contractor from complying with the regulations of this Subchapter.

2. No permit is required for sign work limited to repainting, change of copy, message or face panel, or doing routine maintenance and repair which does not entail structural change.

(c) Required Information. The sign permit application shall contain the following information:

1. Name, address and telephone number of the applicant.
2. Name and address of the building, structure, and property to which or upon which the sign is to be affixed or erected and the tax parcel number of the real estate where the sign is to be erected;
3. Name, address, and telephone number of person, firm, corporation or association erecting sign;
4. Name, address, telephone number, and the written consent
of the owner or lessee, if different from the applicant, of the building, structure and real estate to which or upon which the sign is to be affixed or erected;
5. A scale drawing of the proposed sign indicating the dimensions, the materials to be used, lettering, colors and type of illumination, if any, and the method of construction and attachment;
6. A scale site drawing of the proposed sign location, location of lot lines, existing buildings, and existing signs on the same property;
7. A scale site drawing of all adjoining properties to the proposed sign location including lot lines, existing buildings, and existing signs;
8. Information (or type of information, message and/or images) to be displayed on each face of the sign;
9. A description of the mechanical workings of any illuminated information to be displayed;
10. Calculations and other sufficient evidence showing how the structure and design of the sign satisfies the requirements of this Subchapter;
11. Payment of required fees;
12. Such other information as the Building Inspector shall require to show full compliance with this and other laws and ordinances of the City.

(d) Temporary Sign Permit. A temporary sign permit for an on-premise sign less than twelve (12) square feet may be issued by the Building Inspector as provided in §(12) of this Subchapter.

e) Permit Fees. See City’s Official Fee Schedule. A double permit fee may be charged by the Building Inspector if a sign is erected, moved, altered, enlarged or used before a required permit is issued. Such double permit fee shall be for the purpose of reimbursing the City for the additional administrative costs incurred in connection with issuance of the permit and such double fee shall not release or relieve the applicant from full compliance with this Subchapter, nor from liability for the payment of a forfeiture or abatement as provided in Sub. (16) of this Sign Code.

(f) Assignment of Sign Permit. A current and valid sign permit shall be freely assignable to a successor as owner of the lot or premises or holder of a business license for the same premises, subject only to filing an application with the Building Inspector on such form as the Building Inspector may require and paying any applicable fee. This assignment shall be accomplished by filing such application and paying the applicable fee and shall not require approval.

(4) INDEMNIFICATION FOR SIGN INSTALLATION AND MAINTENANCE. Any person who applies for a sign permit or who undertakes, in whole or in part, the erection, enlargement, alteration, removal, relocation, or maintenance of a sign and/or related work shall agree in the sign application to defend, hold harm-less and indemnify the City of Baraboo, its officers, agents and employees from any and all claims and/or causes of action for bodily injury, death or property damage arising out of or resulting from such sign or sign work.

(5) LIABILITY AND DISCLAIMER. The issuance of a sign permit and the inspections and the reports and findings issued pursuant to this Subchapter shall not be deemed as an assumption of any liability by the City. The owner of any building, structure or real estate upon which a sign is erected or maintained shall be liable for any damages and injuries that may be caused to persons or properties by reason thereof. The City makes no representation or warranty, express or implied, as to the accuracy or thoroughness of any inspection or findings made pursuant to this Subchapter and the City disclaims any liability or responsibility whatsoever by reason thereof.

(6) GENERAL PHYSICAL REQUIREMENTS AND TYPES OF SIGNS. The following on-premises signs for businesses shall be considered to be signs which are located on or attached to a structure on the premises being served and
are subject to the conditions set forth in this Subch. (2035 11/28/2000)

(a) **On-premises Freestanding Signs.**
On-premises freestanding signs shall be limited to a total of one freestanding sign per lot or parcel. The maximum gross surface area of the freestanding sign shall be one square foot of sign area for every linear foot of lot frontage on adjacent public streets, up to a maximum of square footage visible from any single viewing point. The freestanding sign shall be located entirely on the subject property, and may not protrude over any property line or public right-of-way. The exposed base of freestanding signs shall be concealed by evergreen landscaping. Freestanding signs shall not be located in the required vision triangle of an intersection or driveway, or create a traffic hazard for any other reason.

1. Pylon signs shall not be permitted after December 1, 2000.
2. Ground signs shall have a maximum height of 8 feet and a maximum area of 500 square feet.
3. Freestanding canopy signs shall be limited to the canopy fascia and may not extend above, below, or beyond the fascia, and shall have a maximum area of 60 square feet.

(b) **On-Premise, On-Building Signs.**
On-premise, on-building signs shall be limited to building facades facing a public street or which have a distinct customer entrance. Such signs shall not exceed in area 20% of the gross area of the façade upon which they are placed. All on-building signs that project more than 4 inches from the wall face shall provide a minimum vertical clearance of 10 feet between its lowest point and the finished ground area directly below that point, except that fabric awning and building canopy signs that do not cover a vehicle circulation area may reduce this minimum to 8 feet, and no such projecting signs shall be located closer than 3 feet from the inside face of a curb or other street pavement edge. No on-building signs may employ supports resting on a sidewalk or public right-of-way. The following additional requirements shall also apply:

1. Fabric awning signs of canvas, Mylar, vinyl or similar lightweight fabrics and weigh less than 450 pounds inclusive of supports.
2. Building canopy signs or metal, hard plastic, or similar non-fabric materials and weigh less than 450 pounds inclusive of supports.
3. Projecting signs that exceed 450 pounds inclusive of supports shall be located a minimum of 5 feet from rights-of-way or otherwise project over a public driveway, alley, street, or thoroughfare. Such signs shall require the granting of a conditional use permit.
4. Roof signs shall be prohibited.
5. On-premise wall signs shall be permitted.

(c) **On-Premises Informational Signs.**
On-premises informational signs shall be limited per the following regulations specific to each sign type. The maximum area of any business name, logo, or other information conveying business identification on on-premises informational signs shall be limited to one square foot:

1. On-premises customer parking signs shall be limited to a maximum area of 5 square feet, and shall be mounted with the bottom edge a minimum of six feet from the ground.
2. On-premises directional, message, or operational signs shall be limited to information pertaining to traffic flow, hours of operation, customer entrances and exits, loading area information, telephones, and restrooms, and shall be limited to a maximum area of 8 square feet.
3. On-premises electronic and non-electronic variable message signs shall be regulated as a freestanding sign or an on-building sign as presented in (a) or (b), above, if said sign conveys information pertaining to the subject property. If the sign only conveys information pertaining to time, date, temperature, weather and/or information concerning civic, charitable or other non-commercial activities, the said sign shall be regulated as an on-premises informational sign. Such on-premises variable message signs shall be limited to 12 square feet of gross surface area for each sign, and shall be further limited to a maximum of one such sign per lot for each public street frontage. Such signs may be placed at the right-of-way line of the highway or street, but shall not infringe upon or protrude into the right-of-way. Such signs shall require the granting of a conditional use permit.

4. Development area identification signs that display the name of the residential project, sub-division, or neighborhood, or the name of the office park, shopping center, or industrial park, shall be permitted only with the granting of a conditional use permit in any area or zoning district. Such signs may not display the name of any specific business nor product, but may display the logo of the area, project or development. In residential areas, such signs shall be limited to a maximum height of six feet and a maximum area of 50 square feet.

(7) CONSTRUCTION SPECIFICATIONS.
(a) Wind Pressure and Dead Load Requirements. All signs, canopies and awnings shall be designed and constructed to withstand wind pressure of not less than forty (40) pounds per square foot of area and shall be constructed to receive dead loads as required by the Wisconsin Administrative Code.

(b) Supporting Members or Braces. Supporting members or braces of all projecting or wall signs, awnings or canopies shall be constructed of galvanized iron, properly treated steel, copper, brass or other non-corrosive, non-combustible material. All projecting signs, awnings and canopies, if placed at a right or other angle to the wall or roof of any building, shall be attached by such non-corrosive metal bolts, anchors, cable or other metal attachments as shall insure permanent and safe construction and shall be maintained from rust or other defects. Every means or device used for attaching any sign, awning or canopy shall extend through the walls or roof of the building should the Building Inspector determine that the safe and permanent support of such sign, awning or canopy so requires. A sign, awning or canopy shall also be securely anchored by wall plates to the inside of the walls or to bearings anchored by wall plates to the inside of the walls or to bearings on the underside of two (2) or more roof or ceiling joists in accordance with instructions given by the Building Inspector.

(c) Plans. At the time of permit application, the Building Inspector may require written plans for footings for sign supports, method of sign attachment, and engineering specifications and calculations.

(8) INSTALLATION AND MAINTENANCE.
(a) Safety. All signs shall be installed and maintained in a workmanlike manner using equipment that is adequate and safe for the task. This Subchapter recognizes that the improper or unsafe performance of sign contractors is often caused by their use of inadequate equipment and that such improper performance will endanger the public safety. Therefore, the Building Inspector may deny a sign permit if the sign contractor does not have or does not arrange for use of adequate equipment. It shall be a violation of this Subchapter if the contractor fails to use proper equipment in the erection and maintenance of signs.

(b) Installation Standards. All signs shall be designed, installed and erected in accordance with the following standards:

1. All signs shall comply with the applicable provisions of the City Building Code and Electrical Code at all times.

2. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Subchapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
(c) **Maintenance and Repair.** Every sign, including, but not limited to, those signs for which permits are not required, shall be maintained in compliance with applicable Building and Electrical Codes and this Subchapter at all times and in a safe, presentable and good structural condition at all times, including replacement of defective parts, burned out lighting elements, painting, repainting, cleaning and other acts required for the maintenance of said sign. If any sign is not timely modified to comply with the standards set forth in this Subchapter, the Building Inspector may require its removal.

(d) **Protection of the Public.** The temporary occupancy of a sidewalk, street, or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted, if expressly authorized by the Building Inspector, provided the space occupied is roped off, fenced off or otherwise isolated.

(e) **Obstruction to Doors, Windows or Fire Escapes.** No sign, canopy or awning shall be erected, enlarged, relocated, or maintained so as to prevent free ingress to and egress from any door, window or fire escape. No sign, canopy or awning of any kind shall be attached to a standpipe or fire escape. No sign, canopy or awning shall be erected or maintained so as to hinder or prevent ingress or egress through any door, doorway or window or so as to hinder or prevent the raising or placing of ladders by the Fire Department. Signs, awnings and canopies proposed to be installed over the public right-of-way shall be approved and inspected by the Fire Department prior to installation.

(9) **ABANDONED SIGNS.** All abandoned signs shall be promptly removed by the owner or lessee of the premises upon which a sign is located. If the owner or lessee fails to remove an abandoned sign, the Building Inspector shall cause such sign to be removed pursuant to sec. (16) of this Subchapter.

(10) **PROHIBITED SIGNS.** The following signs shall be prohibited within all zoning districts in the City of Baraboo:

(a) **Abandoned Signs.** See §9 of this Subchapter.

(b) **Flashing, Animated, Alternating, Rotating or Swinging Signs.** Flashing, scintillating, animated, alternating, blinking, traveling, rotating or swinging signs or devices, whether illuminated or not, visible from the public right-of-way. The electronic message sign is not a prohibited sign under this Subsection provided such sign complies with the regulations of this Subchapter.

(e) **Floodlighted Signs.** Floodlighted signs or reflection-illuminated signs whose light source is positioned so that its light source is visible from a public right-of-way by vehicular traffic or whose light source is visible from adjoining property and signs which violate §10(j).

(d) **Traffic Hazards.** No sign shall:

1. Obstruct free and clear vision at any street intersection.

2. Interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device because of its position, shape or color.

3. Be a hazard or dangerous distraction to vehicular traffic.

4. Make use of the words “STOP,” “LOOK,” “DRIVE-IN,” “DANGER,” or any other word, phrase, symbol, or character in a manner that interferes with, misleads, or confuses traffic or imitates, or resembles in shape, size, copy, or color an official traffic sign or signal.

5. Obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering a public street or right-of-way.

6. Be of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public right-of-way.

(c) **Off-Premise Signs.** Such signs are prohibited, except for temporary signs permitted by §12 of this Subch.: (2035 11/28/2000, 2436 10/13/2015)

**Rationale and Findings:** The City of Baraboo Plan Commission and Common Council find that the purpose and rationale of prohibiting off-premise signs or signs advertising a business, person, activity, goods, products, facilities, or services not located on the lot, or an adjoining lot, upon which the sign is located or directs persons to a different location from where the sign is located, is that this prohibition is necessary in order to further several governmental interests:
1. The general public interest of reducing visual clutter caused by off-premise advertising signage within the City which the City has determined is a significant cause of unsafe traffic conditions; and

2. The public interest served by furthering the implementation of the purposes of this Subchapter and the City of Baraboo Comprehensive Master Plan in terms of limiting or reducing an appearance of strip commercial development - of which advertising signs are a primary contributor; and

3. The general public interest served by enhancing the aesthetics of the Baraboo Valley and the City of Baraboo and the unique beauty of this City caused by the Baraboo Bluffs thereby improving the appearance of this City.

Suppl #26 05-2008

Further, the City of Baraboo advocates that this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages that are to be portrayed on such advertising signs – namely distributed print media, broadcast media, a point-of-purchase display, and is narrowly defined so as to limit said prohibition to commercial speech on exterior signage.

A special exception is granted for the Baraboo School District for sporting stadiums and outdoor athletic facilities for four (4) off-premise advertising signs that are visible from Draper Street. Such off-premises signs shall be allowed with a valid sign permit, without regard to size or percentage of area covered, provided that such signs were installed prior to September 1, 2015. This special exception shall expire June 30, 2020, for off-premises signs, and June 30, 2030, for the signage relating to Flambeau Field. After these respective dates, all non-conforming and prohibited signs shall be removed.

A special exception is also granted for off-premise advertising that is visible from a public street that appears upon the Baraboo School District’s scoreboard. This special exception shall not expire. All signs under this special exception require a valid sign permit.

(f) Inflatable Advertising Devices or Signs. Inflatable advertising devices or signs which are used off premises.

(g) Billboards.

(h) Unsafe Sign. No sign shall constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance.

(i) Obscene Signs. No sign shall display any matter that is obscene.

(j) Unclassified Signs.
   1. Signs which are a hazard or a nuisance to occupants of any adjoining or nearby property because of intensity, brilliance, glare or other annoying characteristics.
   2. Signs which are erected or maintained upon trees or utility poles or painted or drawn upon rocks or other natural features.
   3. Except as allowed by §17.80(6) of this code, signs that are more than 100 square feet in gross surface area on any facing side. (2035 11/28/2000)
   4. Signs which have more than two faces visible at one time.
   5. Signs which are portable or movable signs.
   6. Signs which are painted on or attached to a semi-trailer that is continuously parked in a street yard (as defined by the City Zoning Code) solely for advertising purposes for more than 30 consecutive days in a calendar year.
   7. A swinging sign.


(11) SIGNS NOT REQUIRING A PERMIT. Signs are permitted in all zoning districts without a sign permit provided they comply with the restrictions and specifications set forth in this section and in §§6, 7, and 8.

(a) Flags. Flags, emblems or insignia of any nation, political subdivision, college or university or corporate flags.

(b) Governmental Signs. Signs for control of traffic and other regulatory purposes, danger signs, warning signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of public duty;
(c) **Memorial Signs and Plaques.** Memorial signs and plaques, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other non-combustible material not more than four (4) square feet in gross surface area;

(d) **No Trespassing and No Dumping Signs.** No trespassing and no dumping signs shall be a standard eighteen (18) inches by twenty-four (24) inches;

(e) **Public Notices.** Official notices posted by public officers or employees in the performance of their duties;

(f) **Public Signs.** Signs required as specifically authorized for public purpose by any law, statute or ordinance.

(g) **Political Message Signs.** Political message signs on behalf of candidates for public office or issues on election ballots provided said signs comply with §12.04 Wis. Stats. and the following regulations:

1. The definitions of the terms “election campaign period,” “political message”, and “residential property”, as set forth in §12.04, Wis. Stats., are hereby adopted by reference and made a part of this subsection.

2. Permission shall first be obtained from the owners or tenants in possession of the property upon which a political message sign is erected. No sign shall be located on public property or in the public right-of-way.

3. Political message signs may be erected during the election campaign period and shall be re-removed within seven (7) days following said election. If the signs are not removed within the seven (7) day period, the Building Inspector shall cause said signs to be removed without the necessity of giving notice.

4. Political message signs shall not be erected or be permitted to remain in any place or manner so as to adversely affect traffic or pedestrian safety or to endanger travel on public right-of-way by causing an obstruction to the view or otherwise and said signs shall have no electrical, mechanical or audio auxiliary.

5. No political message sign shall exceed 32 square feet in gross surface area. Signs affixed to a permanent structure shall not extend beyond the perimeter of the structure and shall not obstruct any window, door, fire escape, ventilation shaft, or other area which is required by the building code to remain unobstructed. All signs exceeding 11 square feet in gross surface area shall be firmly anchored to the ground, or affixed to a permanent structure, so as to ensure that they will not become a hazard to traffic or pedestrians as a result of winds. No freestanding sign shall exceed 6 feet in total height. (2035 11/28/2000)

(h) **Real Estate Signs.**

1. One (1) real estate sales sign is allowed per street frontage on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not illuminated or located in a public right-of-way.

2. In residential and commercial districts, such signs shall not exceed eight (8) square feet in gross surface area and shall be removed within thirty (30) days after the sale, rental or lease has been closed or occupancy of the property whichever occurs first.

3. Signs larger than eight (8) square feet in gross surface area advertising For Sale, Rental, or Lease require a sign permit.

(i) **Temporary Window Signs.** In business and industrial districts, the inside surfaces of any window may be used for attachment of temporary signs. Temporary window signs may not cover more than 25% of the area of any single windowpane. Such signs shall not be placed on door windows or other windows needed to be clear for pedestrian safety. (2035 11/28/2000)

(j) **Bulletins.** Temporary signs not exceeding four (4) square feet in gross surface area pertaining to events of civic, philanthropic, educational and religious organizations, provided such signs are posted no more than thirty (30) days before said event and removed within ten (10) days after the event.

(k) **Professional and Business Name Plate Signs.** Professional home occupation and business nameplate signs shall be located on the lot being served and shall be limited to one such sign per business. One professional nameplate sign shall not exceed four square feet in gross surface area.

(l) **Garage/Yard/Rummage Sale Signs.** See Ch. 12 of the Baraboo Municipal Code.
Contractor/Architect Signs. Temporary signs identifying the architect, engineer, developer or contractor are allowed when placed upon the construction site provided such signs shall not exceed 16 square feet in gross surface area. Such signs shall not be placed on a job site until a building permit is obtained and then not more than one (1) week before work is actively commenced on the site. Such signs shall not be located in the public right-of-way and there shall be only one sign per construction site. Such signs shall be removed no later than 7 days after completion of the project.

House Numbers and Residential Name Plates. House numbers and residential nameplates not exceeding 2 sq ft in gross surface area for each residential building.

REGULATION OF TEMPORARY SIGNS.
(1941 07/28/98)
(a) Temporary Signs Located on Private Property. The following temporary signs may be displayed only in a Business Zoning District (B-1, B-2, and B-3) for up to thirty (30) days at a time during no more than two different periods per calendar year, provided such temporary signs shall be located entirely on private property, shall not obstruct building exits and a temporary sign permit is issued by the Building Inspector and the permit fee is paid. Each such thirty (30) day period shall require a new permit and fee.

1. Special Event Sign. A temporary sign less than twelve (12) square feet in gross surface area which advertises a special event for a civic, philanthropic, educational, or religious organization.

2. Banners and Pennants. Banners, flags, pennants, search lights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons or gas filled figures (which are temporary signs or devices of paper, fabric, plastic, or other flexible materials) are allowed for the purpose of promoting a community event, grand opening or advertising items other than community events. Banners shall not exceed the lesser of one hundred (100) square feet in gross surface area or twenty percent (20%) of the area of the wall on which they are placed.

3. Temporary Ground Signs. Temporary ground signs advertising special business promotions or events are allowed, providing such signs shall not exceed ten (10) feet in gross area and four (4) feet in height.

(b) Temporary Signs or Banners on Public Property. No sign or banner shall be located, displayed or encroach in or upon any public street, right-of-way, park or place except as permitted in Sec. 17.80(6) of this Subchapter and as provided in this subsection.

1. Charitable Purpose Sign. The Common Council may, by resolution, authorize the display of a temporary sign or banner at an approved location for a designated time period to promote a special City-wide charitable fund raising event sponsored by an organization described in §501(c)(3) of the Internal Revenue Code, or sponsored by a person or organization who purports to donate all of the net proceeds realized from the event to an organization described in §501(c)(3) of the Internal Revenue Code. The sponsor shall execute a sign encroachment agreement with the City and the sign or banner shall be safely secured and maintained at all times.

2. Circus World Museum Sign. A temporary sign or banner may be displayed across Water Street by the Circus World Museum provided that the Circus World Museum executes a sign encroachment agreement with the City. This sign may be displayed continuously between April 1st and November 1st of each year.

3. Signs in City Parks. A temporary sign(s) or banner(s) may be displayed in a City park provided that the sign or banner advertises a special event to be held within the park and that the sign or banner further satisfies the following pre-conditions:

a. A temporary sign permit is granted by the Parks and Recreation Commission, and

b. Any sign or banner displayed in any City park or ball field advertising a tournament shall only be erected on the day the tournament begins and shall be removed promptly by the tournament sponsor on the day the tournament ends, and
c. No sign or banner shall exceed one hundred (100) square feet in gross surface area.

d. The sign or banner must be safely secured and maintained at all times.

(13) TYPES OF SIGNS. See Subsection 17.80(6) of this Code for General Physical Requirements and types of Signs. (2035 11/28/2000)

(14) ZONING DISTRICT REQUIREMENTS. (2035 11/28/2000)

<table>
<thead>
<tr>
<th>ZONING DISTRICTS</th>
<th>TYPES OF PERMITTED SIGNS (Refer to (6) for Specific Rules)</th>
</tr>
</thead>
</table>
| Residential Districts: R-1, R-2, R-3, R-4, R-5, MH, MHP | - Ground signs for institutional uses  
- Wall signs for institutional uses  
- All on-premises informational signs for institutional and multi-family uses  
- Development area identification signs for all uses  
- Home occupation per §17.08(52) |
| Business Districts: B-1 | - Ground signs for institutional uses  
- All on-building signs for all uses  
- All on-premises informational signs for all uses |
| Business Districts: B-2, B-3 | - All free-standing signs for all uses  
- All on-building signs for all uses  
- All on-premises informational signs for all uses |
| Business Districts: I-1, I-2, I-3, I-4 | - All free-standing signs for all uses  
- All on-building signs for all uses  
- All on-premises informational signs for all uses |
| Agricultural Districts: A-1, A-2 | - All free-standing signs for all uses  
- All on-building signs for all uses  
- All on-premises informational signs for all uses |
| Conservancy District: C-1 | - All on-premises informational signs for all uses |

(15) NONCONFORMING SIGNS. (2035 11/28/2000)

(a) Notification of Nonconformance. Not later than December 31, 1997, the Building Inspector shall survey the City of Baraboo and inventory all signs and shall prepare and maintain a current file of all lawful and unlawful non-conforming signs in the City in accordance with the procedures set forth in §17.15(6) of the Zoning Code. Upon determination that a sign is non-conforming, the Building Inspector shall use reasonable efforts to notify, in writing, the owner of the sign and/or the owner of the property on which the sign is located of the following:

1. The non-conformity of the sign.

(b) Nonconforming Signs.

1. Any sign legally existing as of May 13, 1997, that does not conform to the provisions of this Subchapter and any Pylon sign legally existing as of December 1, 2000, that does not conform to the provisions of this Subchapter, shall be eligible for characterization as a nonconforming sign and shall be subject to the provision of Subsection (b), below. Non-conforming signs may be maintained. No nonconforming on-premise sign shall be altered or moved to a new location without being brought into compliance with the requirements of this Subchapter. See (c) below.

2. Whether the sign is eligible for characterization as a legal non-conforming sign or is unlawful.
2. Business signs on the premises of a nonconforming use or building may be continued as provided in §(c) below, but new signs for such uses shall not be allowed, nor expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable aggregate sign area may be erected only upon the complete removal of all other signs existing as of December 1, 2000.

3. Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use, or shall be removed as provided in §(c) below. Closing businesses must remove their signs within 60 days of closing.

4. Signage not in compliance with the provisions of this Section shall be subject to the provisions of §(c) below.

5. Whenever there is a change in sign use (excluding off-premise signs), the sign owner, or the owner of the property on which the sign is located, the new sign user, owner, or new property owner, shall forthwith notify the Zoning Administrator of the change. No sign permit is required unless there is a modification of the sign face or sign structure.

6. No sign shall be eligible for nonconforming status unless the sign meets the following requirements:

   a. The sign was erected pursuant to the issuance of a proper sign permit.

   b. No permit was required under applicable law for the sign in question and the sign was in all respects in compliance with the applicable law at the time the sign was erected and has since been maintained in compliance with the applicable codes of the city.

(c) Removal of Non-Conforming Signs.

1. Alteration of Signs.
   a. For the purpose of this Subchapter, alteration of a sign is considered to be any change in the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting, including, but not limited to: changing the message (except for marquee or off-premise advertising signs), symbols, color, material, height, location, or any other alterations as determined by the Zoning Administrator.

   b. Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a marquee sign; or changing the face of an off-premise advertising sign.

   c. For a period extending 10 years from December 1, 2000, a tenant sign which comprises part of a group sign may be replaced to accommodate a new tenant sign without triggering the need to bring the entire group sign, or any of its parts, into compliance with the provisions of this Subchapter.

2. Damage to Sign. Any sign damaged by any cause to such extent that the cost to repair or reconstruct said sign exceeds 50% of the assessed value of the sign as of the date of damage shall be removed. If City, County, or State records do not show an assessed value for the nonconforming sign, then the assessed value shall be determined by an appraisal conducted by the City Assessor using the date of the damage as the date of valuation.

3. Defective Nonconforming Sign. Any non-conforming sign that fails to conform to the provisions of this Subchapter regarding maintenance and repair or abandonment or any nonconforming sign that is
dangerous or defective shall be removed.

4. Discontinuance. If a nonconforming sign is not openly, actively, and actually used for a continuous period of at least 12 consecutive months, such nonconforming sign shall be deemed to be discontinued and terminated and said sign shall be removed.

5. Relocation. A nonconforming sign shall not be relocated within the City.

(d) Maintenance and Repair of Legal Nonconforming Signs. Nothing in this Subchapter shall relieve the owner or user of a nonconforming sign or the owner of the property on which such sign is located from the provisions of this Subchapter regarding abandonment, safety, maintenance, and repair of signs.

(e) Burden of Proof. Any person claiming that a sign is a lawful conforming sign or a legal non-conforming sign shall bear the burden of showing or providing such legal status. The determination shall be made by the Zoning Administrator and the decision may be appealed to the Zoning Board of Appeals.

VIOLATIONS AND PENALTIES.

(a) It shall be unlawful to erect, enlarge, alter, repair, use or move any sign in violation of any of the provisions of this Subchapter. In case of any violation, the City Council, the Building Inspector, or any property owner who would be specifically damaged by such violation may cause appropriate action or proceedings to be instituted to enjoin a violation of this Subchapter or to cause an unlawful sign to be removed.

(b) Except as provided in §§(c) and (d) below, whenever an order of the Building Inspector has not been fully performed after written notice thereof has been issued to the owner of the property on which an unlawful sign is located or to the owner of an unlawful sign or to the sign contractor of an unlawful sign, the City Council, the Building Inspector, or the City Attorney may institute appropriate legal actions or proceedings, including, but not limited to, proceedings to recover a forfeiture and/or proceedings to prohibit or enjoin such owner, permittee or sign contractor from erecting, enlarging, altering, repairing, moving or using a sign covered by the order of the Building Inspector, and said proceedings may be consolidated in one action or commenced as separate actions concurrently, or at different times. In all cases, the City’s remedies shall be cumulative. The written notice of a violation shall state the nature of the violation, the date of such violation, and the corrective measures to be taken, together with the time in which such correction shall be made. The time limit set for correcting violations shall take into consideration a reasonable period of time to correct the violation or deficiency and/or whether prior notice has been issued or given to the violator. The time limit shall be no greater than fifteen (15) days nor less than twenty-four (24) hours. Notice of a violation shall be deemed made upon mailing such notice by certified mail, return receipt requested, or by personal delivery, or by posting the notice on the property and mailing the notice to the violator by first class mail. When notice is mailed, it shall be sent to the owner of the property on which the sign is located at the address as shown on the City’s current tax assessment roll for the parcel subject to the notice or to the owner of the sign if the name and address of the sign owner is clearly and conspicuously stated on the sign itself. (2139 01/27/04)

(c) Any unlawful sign is hereby declared to be a public nuisance under Chapter 10 of The City Codes and the City may, in addition to seeking a forfeiture and/or remedial action as provided in this subsection, commence a Court action for the abatement of the public nuisance as provided in §10.07 of The City Codes. If the City proceeds with the commencement of an abatement action under §10.07, the notice provisions of that section shall apply to the abatement proceedings.

(d) Whenever the Building Inspector shall find a sign that violates the provisions of any of the following sections:
1. Section 17.80(12)(a) Temporary Signs located on private property.
2. Section 17.80(12)(b) Temporary Signs or banners on public property.
3. Section 17.80(10)(e) Off-Premises Signs

He/she shall give notice of such violation as provided in this
subsection to the owner and/or occupant of the property where the sign is located and/or to the owner of the unlawful sign. Notice of a violation shall be deemed made upon mailing such notice by certified mail to the address shown on the current City of Baraboo Property Tax Assessment Roll or by personal delivery, or by posting the notice on the property and mailing notice thereof to the violator by first class mail. If the unlawful sign is not permanently removed within five (5) days after notice, the Building Inspector or a Police Officer shall be authorized to issue a citation to the violator. Any person who violates this section shall be entitled to only one five (5) day notice to cure within a calendar year and after providing one such five (5) day notice to cure to a violator, the Building Inspector or a Police Officer shall be authorized to issue a citation to the violator immediately upon discovering any second or subsequent violation of any of the foregoing subsections within a calendar year. Each day that a violation of any of the foregoing subsections continues shall be deemed a separate offense. In addition, an action to abate such an unlawful sign may be commenced as provided in §(c). (2139 01/27/04)

(e) Any person who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any of the provisions of this Subchapter shall be subject to a penalty as provided in §25.04 of The City Codes. Every owner of the property on which an unlawful sign is located, and every owner of an unlawful sign and every sign contractor who erected, enlarged, moved, improved, altered, repaired or placed an unlawful sign on any land within the City in violation of this Subchapter and every permit holder of an unlawful sign shall be subject to a penalty as provided in §25.04 of this Code. The Building Inspector shall promptly report all such violations to a police officer and a police officer shall issue a citation to the violator. The property owner, sign owner, permit holder and sign contractor may be held jointly and severally liable for any violation of this Subchapter. Each violation and each day a violation continues or occurs shall constitute a separate offense.

(17) APPEALS. Any appeal from the decision, order or determination of the Building Inspector under this Subchapter shall be made to and filed with the Zoning Board of Appeals pursuant to §17.44 of The City Zoning Code. Each of the provisions of §17.44 of the City Zoning Code shall apply to an appeal under this Subchapter.

(18) SEVERABILITY AND CONFLICT. If any section, subsection, sentence, clause or phrase of this Subchapter is for any reason held to be invalid or unconstitutional by reason of any decision of any Court of competent jurisdiction, such decision shall not affect the validity of any other section, sub-section, sentence, clause or phrase or portion thereof and to this extent, the provisions of this Subchapter shall be severable. If any provision of this Subchapter is found to be in conflict with any other provision of any zoning, building, fire safety or health ordinance of The City Codes, the provisions which establishes the higher standard shall prevail.

(19) DEFINITIONS. The definitions contained in the City Zoning Code shall apply to this Subchapter, except the following definitions shall apply in this Subchapter.

(a) Abandoned Sign. A sign which no longer advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed; also, a sign which advertises goods, products, services or facilities which are no longer available to the public or which directs persons to a former location where such goods, products, services or facilities are no longer available.

(b) Animated sign. Any sign which uses movement or change in lighting to depict action or to create a special effect or scene.

(c) Awning. Movable or fixed shelter supported entirely from the exterior wall of the building and composed of rigid or non-rigid materials or fabrics except for the supporting framework.

(d) Banner. A long, narrow flag hung over a street or entrance; also, a sign of lightweight fabric or similar material
that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National, state, municipal or organizational flags shall not be considered banners.

(c) **Beacon.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

(f) **Billboard.** Outdoor advertising on a board, poster, panel structure or device of any kind used or intended to be used for advertising or display painted thereon, or for the affixment, attachment, or support of printed poster, or other advertising matter and constructed, erected and located on any premises and used for purposes other than advertising the business conducted on such premises or in such building or structure. Usually has a gross surface area larger than one hundred (100) square feet in area.

(g) **Building Inspector.** That person, including his or her authorized agent, charged with the responsibility to see that the signage in the community is installed and maintained in compliance with this Subchapter, along with any other duties assigned by the City of Baraboo.

(h) **Canopy (or Marquee).** A permanent roof-like shelter extending from part or all of a building face, constructed of some durable material such as metal, glass, plastic or other structural protective cover over a door, entrance, window or outdoor service area and includes a sign attached to or constructed in or on said canopy or marquee.

(i) **Customer Parking Sign.** A sign for informational purposes which serves solely to designate the location of parking for customers of a business or government premises.

(j) **Dimensional Letter Sign.** Any sign consisting solely of freestanding letters that are placed on, anchored or attached to any part of a building that names, advertises or calls attention to a business, product, service or other commercial activity located on the premises where the sign is installed and maintained.

(k) **Directional Sign.** Any sign which serves to designate the location of any place or area.

(l) **Double-Faced Sign.** A sign with copy on two (2) parallel faces that are back to back, facing opposite directions.

(m) **Electronic Variable Message Sign.** A sign that displays messages where the message may be changed electronically, either by using a frame by frame display or by scrolling the message. This sign shall not change the message displayed at intervals of less than two seconds, not shall a scrolling message travel at a rate slower than 16 light columns per second or faster than 32 columns per second. This sign shall only display letters or numbers of no art animations or graphics may be displayed. This sign shall not contain, include or be illuminated by lights or illuminations that flash, scintillate, blink, flicker, vary in intensity, nor shall such signs be illuminated to a degree of brightness that is greater than necessary for adequate visibility, using standards applied by the Wisconsin Department of Transportation.

(n) **Erected.** This term shall mean attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs, but does not include copy changes on any sign.

(o) **Flag.** A piece of cloth or other flexible material varying in size, shape, color and design, usually attached at one edge to a staff or cord and used as a symbol of a nation, state or organization. This term does not include a pennant or banner.

(p) **Externally Illuminated Signs.**

(q) **Face of Sign.** The entire area of a sign on which copy could be placed.

(r) **Flags or Pennants.** Devices generally made of flexible materials, such as cloth, paper or plastic and displayed on strings or wires.

(s) **Flashing Sign.** Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.
(t) Freestanding/Ground Sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

(u) Frontage. The length of the property line of any one (1) premise parallel to and along each public right-of-way it borders.

(v) Governmental Sign. Any sign used for posting legal notices, identification of streets, traffic regulation, notice of danger or other emergencies or the posting of notice of trespassing.

(w) Gross Surface Area. The area of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one (1) section, module or face, all areas shall be totaled. Any irregular-shaped sign area shall be computed using the actual sign face.

(x) Ground Sign. A freestanding sign installed directly on the ground and which is not attached to any building or structure.

(y) Height of the Sign. The vertical distance measured from the ground or finished surface at the base of a sign to the highest point of such sign.

(z) Inflatable Sign. Any advertising structure which is filled with a nonflammable gas or air under pressure.

(aa) Internally Illuminated Sign. Any sign in which the source of illumination is an integral part of the sign.

(ab) Legal Non-Conforming Sign. A sign that did meet code regulations when it was originally installed but does not meet current code regulations.

(ac) Lot. A taxable parcel of land as shown in the records of the Sauk County Treasurer and being within official city limits and abutting a public street.

(ad) Memorial Sign and Plaques. Any sign or tablet used for the purpose of identifying the names of buildings and the date of erection and which are cut into any masonry surface or inlaid so as to be part of the building or structure, or which are attached to a building or structure and which are constructed of bronze or other non-combustible materials including wood or plastic.

(ae) Non-conforming Sign. An unlawful sign.

(af) Obscene Sign. Any sign which displays any matter in which the dominant theme of the materials taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

(ag) Off-Premises Sign. A sign which advertises a business, person, activity, goods, products, facilities or services not located on the lot, or on an adjoining lot, upon which the sign is located or directs persons to a different location from where the sign is located.

(ah) On-Premises Sign. Any sign identifying or advertising a business, person, activity, goods, products, facilities or services located on the lot, or on an adjoining lot, upon which the sign is installed.

(ai) Operational Sign. A sign designating an entrance, exit, service area, restroom or other such signs relating to the functional operation of a building or lot without further elaboration of display.

(aj) Pennant. Any lightweight plastic, fabric, or other material, whether or not contain a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

(ak) Permanent Sign. A sign placed, installed or attached to a building or erected on a lot and which will remain for more than thirty (30) days.

(al) Portable Sign. A sign which is not permanently mounted to the ground or a structure and which is designed to be moved.

(am) Premises. A lot.

(an) Professional Name Plate. Any flat sign indicating the occupant name and/or address of a professional office and attached to the building.
(ao) **Projecting Sign.** A sign, normally double-faced, which is attached perpendicular to and projects from a structure or building fascia more than six inches.

(ap) **Pylon Sign.** A sign which is supported by one (1) or more freestanding uprights or poles and is not attached to any building.

(aq) **Real Estate Sign.** Any sign used for the purpose of advertising the sale, rental or lease of the premises upon which said sign is located.

(ar) **Residential Name Plate.** Any sign indicating the occupant’s name and/or address at a residence.

(as) **Roof Sign.** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

(at) **Rotating Sign.** See Animated Sign.

(au) **Sandwich Board Sign.** A hinged or unhinged A-frame portable sign which is temporary and portable in nature. Such a sign is also considered to be a ground sign and a portable sign.

(av) **Sign.** Any device, fixture, painting, drawing, placard or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

(aw) **Sign Contractor.** Any person, partnership or corporation engaged, in whole or in part, in the erection or maintenance of signs, excluding the business that the sign advertises.

(ax) **Sign Structure.** Any device or material that supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers.

(ay) **Subdivision Entrance Sign (or emblem).** Any sign whose purpose were exclusively limited to the identification of a platted subdivision or residential area and which names such subdivision without further elaboration, display or advertisement

(az) **Swinging Sign.** A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

(ba) **Temporary Sign.** Any sign that is used only temporarily and is not permanently mounted for the purpose of promoting or announcing a special event or for special informational purposes.

(bb) **Unlawful Sign.** Any sign, canopy or awning, erected, enlarged, altered, repaired, used or moved in violation of any provision of this Subchapter, or which contravenes this Subchapter, or which the Building Inspector may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a nonconforming sign for which a permit required under a previous Code was not obtained.

(bc) **Wall Sign.** Any sign attached parallel to, but within 6 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

(bd) **Window Sign.** Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

(20) SPECIAL EXCEPTIONS. (2272 01/08/08)

(a) A special exception to the requirements of this Sign Code is granted for the placement of an awning on the building located at 522 Oak Street, and presently used as Corner Drugs and the Village Booksmith, meeting the following requirements:

1. The edge of the awning shall not be closer to the edge of the
2. Not more than two support posts shall be utilized, each to be centered not closer than 24 inches back from the edge of the curb, are allowed upon the sidewalk.

3. The awning framework and valance shall maintain a minimum height of eight feet above the sidewalk.

4. All other requirements of §17.80(6)(b) pertaining to awnings shall be met.

Subchapter IV. Landscaping code

17.81 Landscaping and Bufferyard Regulations

(1) Purpose. The purpose of this section is to indicate the minimum requirements for the landscaping of foundations, developed lots, street frontages, paved areas, permanently protected green space areas, reforestation areas, and bufferyards.

(2) How to use this subchapter

(a) This subchapter contains the standards which govern the amount, size, type, installation and maintenance of required landscaping. This subchapter recognizes the important and diverse benefits which landscaping provides in terms of protecting the health, safety, and general welfare of the community, and implementing the Master Plan.

(b) Each section of this subchapter is oriented to a specific category of required landscaping. These include Landscaping Requirements for Foundations (subsection 4), Landscaping Requirements for Developed Lots (subsection 5) Landscaping Requirements for Street Frontages (subsection 6), Landscaping Requirements for Paved Areas (subsection 7), Landscaping Requirements for Permanently Protected Green Space Areas (subsection 8), Landscaping Requirements for Reforestation (subsection 9), and Landscaping Requirements for Bufferyards (subsection 10).

(c) In each instance, a "landscaping point" concept is used to provide a maximum amount of flexibility in terms of the selection of plant materials. Subsection 3 presents sample landscape point comb-nation alternatives used by this section. At the end of this subchapter, subsection (11) provides a listing of plant species fitting into the "climax tree," "tall deciduous tree," "low deciduous tree," "tall evergreen tree," "medium deciduous tree," "low evergreen tree," "tall deciduous shrub," "medium deciduous shrub," "low deciduous shrub," "medium evergreen shrub," "low evergreen shrub," and "non-contributory plants" used by this subchapter. Subsection (12) provides requirements for the installation and maintenance of required landscaping, and subsection (13) describes the procedure for calculating landscaping requirements for this subchapter.


(a) All landscaping requirements are stated in terms of the number of landscaping points required. The required number of landscaping points is dependent upon the type of land use, the zoning district, and the size of the development. A different number of points is awarded for each plant, depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. A minimum installation size is required for each of these plant categories. These requirements are as follows:

<table>
<thead>
<tr>
<th>Plant Category</th>
<th>Landscaping Points Per Plant</th>
<th>Minimum Permitted Installation Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climax Tree</td>
<td>75</td>
<td>2&quot; Caliper</td>
</tr>
<tr>
<td>Tall Deciduous Tree</td>
<td>30</td>
<td>1&quot; Caliper</td>
</tr>
<tr>
<td>Medium Deciduous Tree</td>
<td>15</td>
<td>6' Tall</td>
</tr>
<tr>
<td>Low Deciduous Tree</td>
<td>10</td>
<td>4' Tall</td>
</tr>
</tbody>
</table>

Pages 318-399 Reserved
<table>
<thead>
<tr>
<th></th>
<th>Count</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tall Evergreen Tree</td>
<td>40</td>
<td>5' Tall</td>
</tr>
<tr>
<td>Medium Evergreen Tree</td>
<td>20</td>
<td>4' Tall</td>
</tr>
<tr>
<td>Low Evergreen Tree</td>
<td>12</td>
<td>3' Tall</td>
</tr>
<tr>
<td>Tall Deciduous Shrub</td>
<td>5</td>
<td>36&quot; Tall</td>
</tr>
<tr>
<td>Medium Deciduous Shrub</td>
<td>3</td>
<td>24&quot; Tall</td>
</tr>
<tr>
<td>Low Deciduous Shrub</td>
<td>1</td>
<td>18&quot; Tall</td>
</tr>
<tr>
<td>Medium Evergreen Shrub</td>
<td>5</td>
<td>18&quot; Tall/Wide</td>
</tr>
<tr>
<td>Low Evergreen Shrub</td>
<td>3</td>
<td>12&quot; Tall/Wide</td>
</tr>
<tr>
<td>Non-Contributory Plants</td>
<td>0</td>
<td>n/a</td>
</tr>
</tbody>
</table>


(b) The Illustrations shown as Alternatives A to F depict sample landscaping schemes that may be used for building foundations, developed lots, street frontages, paved areas, reforestation, and bufferyards. In general, landscaping schemes similar to Alternative A are best for building foundations, landscaping schemes similar to Alternative B are best for developed lots, landscaping schemes similar to Alternative C are best for street frontages, landscaping schemes similar to Alternative D are best for paved areas (including parking lots, walkways and plazas), landscaping schemes similar to Alternative E are best for reforestation, and landscaping schemes similar to Alternative F are best for buffer-yards. A detailed listing of which plant species fit each plant type is provided in Subsection (11).

**Alternative A: Best Suited for Building Foundations**

750 Landscaping Points:

20 medium trees
15 small trees
60 shrubs

**Alternative B:**
Best Suited for Developed Lots
1250 Landscaping Points:
6 climax trees
8 tall trees
20 medium trees
41 evergreen plantings

Alternative C: Best Suited for Street Frontages

Option 1
280 Landscaping Points:
2 climax trees
2 tall trees
8 small trees

Option 2
280 Landscaping Points:
2 climax trees
2 tall trees
4 small trees
8 evergreen shrubs

Alternative D: Best Suited for Paved Areas
Option 1
880 Landscaping Points:
2 climax trees
13 tall trees
68 evergreen shrubs

**Option 2**
880 Landscaping Points:
5 climax trees
6 tall trees
68 evergreen shrubs

---

**Alternative E:**
*Best Suited for Reforestation*

---

**Alternative F: Best Suited for Bufferyards**
(3) Measurement for Landscaping Requirements: A minimum amount of landscaping points, based upon the zoning district, is required for the linear feet Building Foundations, the gross floor area of buildings on Developed Lots, the linear feet of Street Frontage, and the total combined area of Paved Areas. The following diagram illustrates the measurement techniques used to determine these requirements:

Landscaping Calculation Equations:
Paved Area = (P₁ x P₂) + (P₃ x P₄) + (P₅ x P₆) + (P₇ x P₈) + (P₉ x P₁₀)
Street Frontage = S₁ + S₂
Building Perimeter = F₁ + F₂ + F₃ + F₄ + F₅ + F₆ + F₇ + F₈
Building Floor Area = (B₁ x B₂) + (B₃ x B₄) + (B₅ x B₆)

(4) LANDSCAPING REQUIREMENTS FOR BUILDING FOUNDATIONS.

(a) This subsection requires that certain buildings, or building additions, constructed after the effective date of this subchapter be accented by a minimum amount of landscaping placed near the building foundation.

(b) Landscaping required by this subsection shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages, paved areas, protected green space areas, reforestation areas, or buffeyards, under §§(5) to (9) of this subchapter. See Alternative A of §(3)(b) for a suggested scheme.

(c) For each 100 feet of building foundation perimeter, the following number of landscaping points (per §3) shall be provided on a prorated basis, and installed and permanently maintained per the requirements of §(12).

(d) Climax trees and tall trees shall not be used to meet this requirement. The intent of this subsection is to require a visual break in the mass of buildings and to require a visual screen of a minimum of 6 feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, stormwater discharge pipes and other pipes.)

(e) Where the officially approved site plan depicts a future building extension, the foundation landscaping requirement shall be calculated by measuring the length of the total perimeter. However, foundation plantings need only be installed based on the landscape points calculated from the portions of the
building perimeter that will not be affected by building extension. If this results in point requirements which are not met through the initial planting, then said requirement shall be met within five years of building permit issuance, or as extended in writing by the Plan Commission.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>All Other Land Uses</th>
<th>One and Two-Family Residential and Agricultural Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural and Conservancy (A-1, A-2, C-1)</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>Single family Residential District One (R-1)</td>
<td>40</td>
<td>0</td>
</tr>
<tr>
<td>One and Two Family Residential District Two (R-2)</td>
<td>40</td>
<td>0</td>
</tr>
<tr>
<td>One Thru Four Family Residential District Three (R-3)</td>
<td>45</td>
<td>0</td>
</tr>
<tr>
<td>Five family and up Residential Districts (R-4, R-5)</td>
<td>50</td>
<td>0</td>
</tr>
<tr>
<td>Neighborhood Business District (B-2)</td>
<td>40</td>
<td>0</td>
</tr>
<tr>
<td>Central Business District (B-1)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Highway Oriented Business (B-3)</td>
<td>40</td>
<td>0</td>
</tr>
<tr>
<td>Business/Industrial (I-3, I-4)</td>
<td>40</td>
<td>0</td>
</tr>
<tr>
<td>Industrial District (I-1, I-2)</td>
<td>20</td>
<td>0</td>
</tr>
</tbody>
</table>

The following number of landscaping points (as described in subsection 3) shall be provided on a prorated basis for every 1,000 square feet of gross floor area, and installed and maintained per the requirements of subsection (12).

The intent of this subsection is to provide yard shade and to require a visual screen of a minimum of 6 feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes).

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>All Other Land Uses</th>
<th>One and Two-Family Residential and Agricultural Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural and Conservancy (A-1, A-2, C-1)</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Single family Residential District One (R-1)</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>One and Two Family Residential District Two (R-2)</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>One through Four Family Residential District Three</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>Five family and up Residential Districts (R-4, R-5)</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>Neighborhood Business District (B-2)</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>Central Business District (B-1)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Highway Oriented Business (B-3)</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Business/Industrial (I-3, I-4)</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Industrial District (I-1, I-2)</td>
<td>5</td>
<td>0</td>
</tr>
</tbody>
</table>

The land use for street frontages after the effective date of this chapter contain a minimum amount of landscaping in those areas which abut the right-of-way of a public street.
(b) All landscaping used to meet this requirement shall be located within 10 feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way. See §(3)(c) for a suggested landscaping scheme. Landscaping shall not impede vehicle or pedestrian visibility.

(c) For every 100 linear feet of street frontage where a developed lot abuts a public street right-of-way, the following number of landscaping points (as described in §(3)) shall be provided on a prorated basis, and installed and maintained per the requirements of §(12).

(d) Shrubs shall not be used to meet this requirement. A minimum of 50% of all points shall be devoted to climax and/or tall trees and a minimum of 30% of all points shall be devoted to medium trees.

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>All Other Land Uses</th>
<th>One and Two Family Residential and Agricultural Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural and Conservancy (A-1, A-2, C-1)</td>
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<td>0</td>
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<tr>
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<td>0</td>
</tr>
<tr>
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<td>0</td>
</tr>
<tr>
<td>One through Four Family Residential District Three (R-3)</td>
<td>45</td>
<td>0</td>
</tr>
<tr>
<td>Five Family and Up Residential Districts (R-4, R-5)</td>
<td>50</td>
<td>0</td>
</tr>
<tr>
<td>Neighborhood Business District (B-2)</td>
<td>40</td>
<td>0</td>
</tr>
<tr>
<td>Central Business District (B-1)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Highway Oriented Business (B-3)</td>
<td>40</td>
<td>0</td>
</tr>
<tr>
<td>Business/Industrial (I-1, I-3, I-4)</td>
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<td>0</td>
</tr>
<tr>
<td>Industrial District (I-1, I-2)</td>
<td>20</td>
<td>0</td>
</tr>
</tbody>
</table>

(7) LANDSCAPING REQUIREMENTS FOR PAVED AREAS

(a) This subsection requires that paved areas on certain lots developed after the effective date of this section contain a minimum amount of landscaping within, or within 10 feet of, the paved area. The intent is to require a continuous visual screen of parking areas from public rights-of-way at a minimum height of 40 inches.

(b) A minimum of 360 square feet of landscaped area, which shall be located within 10 feet of the paved area, is required for the placement of every 100 landscaping points. Said area does not have to be pro-vided in one contiguous area. Sample configurations are depicted in §(3), above. Plants used to fulfill this requirement shall visually screen parking, loading and circulation areas from view from public streets.

(c) For every 20 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement) located in a development, the following number of landscaping points (as described in subsection (3)) shall be provided on a prorated basis, and installed and maintained per the requirements of §(12). A minimum of 30% of all points shall be devoted to climax and/or tall trees and a minimum of 40% of all points shall be devoted to shrubs.

<table>
<thead>
<tr>
<th>TABLE V: PAVED AREA LANDSCAPING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Required Landscaping Points per 10,000 square feet of Paved Area or 20 Parking Stalls</td>
</tr>
<tr>
<td>Zoning District</td>
</tr>
<tr>
<td>------------------------------------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Agricultural and Conservancy (A-1, A-2, C-1)</td>
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<tr>
<td>Single family Residential District One (R-1)</td>
</tr>
<tr>
<td>One and Two Family Residential District Two (R-2)</td>
</tr>
<tr>
<td>One through Four Family Residential District Three (R-3)</td>
</tr>
<tr>
<td>Five Family and Up Residential Districts (R-4, R-5)</td>
</tr>
<tr>
<td>Neighborhood Business District (B-2)</td>
</tr>
<tr>
<td>Central Business District (B-1)</td>
</tr>
<tr>
<td>Highway Oriented Business (B-3)</td>
</tr>
<tr>
<td>Business/Industrial (I-3, I-4)</td>
</tr>
<tr>
<td>Industrial District (I-1, I-2)</td>
</tr>
</tbody>
</table>

(8) **LANDSCAPING REQUIREMENTS FOR OTHER PERMANENTLY PROTECTED GREEN SPACES**
(a) This subsection requires that each acre of other permanently protected green space after the effective date of this section be planted with a minimum amount of landscaping.

(b) For every one acre of other permanently protected green space in a development, two hundred landscaping points (as described in §3) shall be provided. In addition, adequate ground cover shall be provided to stabilize the soil.

**Rationale:** The provisions of this subsection are designed to ensure that reforestation efforts required as part of woodland disruption mitigation standards result in the thorough and reasonably rapid replacement of the important and varied environmental functions which woodlands provide.

(9) **LANDSCAPING REQUIREMENTS FOR REQUIRED REFORESTATION**
(a) This subsection requires that each area required to be reforested, be reforested and maintained in a manner appropriate to site conditions.

(b) A detailed reforestation plan shall be submitted by the property owner and approved by the City prior to clear cutting. This plan shall be reviewed by a reforestation consultant chosen by the City, with funding for consulting services provided by the petitioner to the City.

**Rationale:** The provisions of this subsection are designed to ensure that reforestation efforts required as part of woodland disruption mitigation

(10) **LANDSCAPING REQUIREMENTS FOR BUFFERYARDS**
(a) **Purpose:** This subsection provides the landscaping and width requirements for bufferyards on lots developed after the effective date of this Chapter. A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing, that are required to eliminate or reduce existing or potential nuisances. These nuisances can often occur between adjacent zoning districts. Such nuisances are dirt, litter, noise, glare of lights, signs, and incompatible land uses, buildings or parking areas.

**Rationale:** One of zoning’s most important functions is the separation of land uses into districts which have similar character and contain compatible uses. The location of districts is supposed to provide protection, but in the City of Baraboo, this is not the case since zoning districts permitting uses as diverse as single-family residential and industrial uses were located next to one another long before the effective date of this Chapter. Bufferyards will operate to minimize the negative impact of any future use on neighboring uses.

(b) **Required Locations for Bufferyards:** Bufferyards shall be located along (and within) the outer perimeter of a lot.
wherever two different zoning districts abut one another. Bufferyards shall not be required in front yards.

c. Determination of Required Bufferyard: The determination of bufferyard requirements is a two-staged process. First, the required level of bufferyard opacity is determined using Table VI. Opacity is a quantitatively-derived measure which indicates the degree to which a particular bufferyard screens the adjoining property. The required level of opacity indicated by Table VI is directly related to the degree to which the potential character of development differs between different zoning districts. The provisions of this subsection indicate the minimum requirements for bufferyards located along zoning district boundaries.

1. Identification of Required Level of Opacity: Table VI shall be used to determine the minimum level of opacity for the required bufferyard. The required level of opacity is determined by the value given in the cell of the table at which the column heading along the top row of the table (representing the subject property's zoning district) intersects with the row heading along the left hand side of the table (representing the adjacent property's zoning district). The value listed is the required level of opacity for the bufferyard on the subject property.

2. Identification of Detailed Bufferyard Requirements. a. If a proposed use adjoins a parcel for which a bufferyard is required by the presence of a zoning district boundary, that use shall provide a bufferyard with the level of the opacity indicated in Table VI.

b. For each level of opacity listed in Table VI, a wide variety of width, landscaping point, berm, and structure combinations are possible. These are listed in Table VII. The requirements listed in Table VII pertain to the number of landscaping points, the minimum bufferyard width, and the type of berm or fencing required within every 100 feet of required bufferyard. A variety of landscaping point options are available and may be mixed within distinct portions of the same bufferyard. Subsection (3) describes the various available landscaping point alternatives. Subsection (11) provides a listing of tree and shrub species which correspond the landscaping point descriptions.

d. Tables for Required Bufferyards: See following pages for Tables VI and VII.

Notes for Table VI: For properties zoned in the Agricultural District (A-1, A-2), or Conservancy (C-1) refer to the Master Plan's Land Use Map to determine the proposed zoning district for said property. Bufferyard requirements shall be taken from this proposal.

<table>
<thead>
<tr>
<th>Adjacent Property's Zoning District</th>
<th>Subject Property's Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1 A-2 C-1</td>
<td>R-1 R-2 R-3 R-4 To R-5 B-2 B-3 B-1 I-3 I-4 I-1 I-2</td>
</tr>
<tr>
<td>A-1</td>
<td>2 2 2 2 2 2 2 2 2 2 2</td>
</tr>
<tr>
<td>A-2</td>
<td></td>
</tr>
<tr>
<td>C-1</td>
<td></td>
</tr>
<tr>
<td>R-1</td>
<td></td>
</tr>
<tr>
<td>R-2</td>
<td></td>
</tr>
<tr>
<td>R-3</td>
<td></td>
</tr>
<tr>
<td>R-4, R-5</td>
<td></td>
</tr>
</tbody>
</table>

Notes: 1. For properties zoned in the Agricultural District (A-1, A-2), or Conservancy (C-1) refer to the Master Plan's Land Use Map to determine the proposed zoning district for said property. Bufferyard requirements shall be taken from this proposal.
For any non-residential use (such as a church or a school) within this Zoning District, provide an additional 0.1 level of opacity to the minimum required opacity level listed below for any and all borders shared with a residential land use.

For properties zoned in the Agricultural or Conservancy (A-1, A-2, C-1), refer to the Master Plan's Future Land Use Map to determine the proposed zoning district for said property. Bufferyard requirements shall be taken from this proposal.

<table>
<thead>
<tr>
<th>Opacity</th>
<th># Landscaping Points/100 feet</th>
<th>Width</th>
<th>Required Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>.05</td>
<td>00</td>
<td>10'+</td>
<td>Min. 44&quot; picket fence*</td>
</tr>
<tr>
<td></td>
<td>00</td>
<td>10'+</td>
<td>Min. 4' wood rail fence*</td>
</tr>
<tr>
<td>40</td>
<td>10'</td>
<td>15'</td>
<td>-</td>
</tr>
<tr>
<td>36</td>
<td>20'</td>
<td>20'</td>
<td>-</td>
</tr>
<tr>
<td>33</td>
<td>25'</td>
<td>25'</td>
<td>-</td>
</tr>
<tr>
<td>31</td>
<td>30'</td>
<td>30'</td>
<td>-</td>
</tr>
<tr>
<td>29</td>
<td>35'</td>
<td>35'</td>
<td>Min. 4' berm</td>
</tr>
<tr>
<td>.10</td>
<td>00</td>
<td>10'+</td>
<td>Min. 44&quot; picket fence*</td>
</tr>
<tr>
<td>38</td>
<td>10'+</td>
<td>Min. 4' wood rail fence*</td>
<td></td>
</tr>
<tr>
<td>91</td>
<td>10'</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>80</td>
<td>15'</td>
<td>-</td>
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</tr>
<tr>
<td>73</td>
<td>20'</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>68</td>
<td>25'</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>30'</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>35'</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>00</td>
<td>35'</td>
<td>Min. 4' berm</td>
<td></td>
</tr>
<tr>
<td>.20</td>
<td>00</td>
<td>10'+</td>
<td>Min. 6' solid fence*</td>
</tr>
<tr>
<td>84</td>
<td>10'+</td>
<td>Min. 44&quot; picket fence*</td>
<td></td>
</tr>
<tr>
<td>133</td>
<td>15'+</td>
<td>Min. 4' wood rail fence*</td>
<td></td>
</tr>
<tr>
<td>198</td>
<td>15'</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>173</td>
<td>20'</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>158</td>
<td>25'</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>149</td>
<td>30'</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>
TABLE VII: DETAILED BUFFERYARD REQUIREMENTS

<table>
<thead>
<tr>
<th>Opacity</th>
<th># Landscaping Points/100 feet</th>
<th>Width</th>
<th>Required Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>35'</td>
<td></td>
</tr>
<tr>
<td>140</td>
<td></td>
<td>35'+</td>
<td>Min. 4' berm</td>
</tr>
<tr>
<td>135</td>
<td></td>
<td>40'+</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td>40'+</td>
<td>Min. 5' berm</td>
</tr>
</tbody>
</table>

Continued on the next page.

*Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.

NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.

TABLE VII (continued): DETAILED BUFFERYARD REQUIREMENTS

<table>
<thead>
<tr>
<th>Opacity</th>
<th># Landscaping Points/100 feet</th>
<th>Width</th>
<th>Required Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>10'+</td>
<td>min. 6' solid fence*</td>
</tr>
<tr>
<td>198</td>
<td></td>
<td>15'+</td>
<td>min. 44&quot; picket fence*</td>
</tr>
<tr>
<td>320</td>
<td></td>
<td>20'</td>
<td></td>
</tr>
<tr>
<td>240</td>
<td></td>
<td>20'+</td>
<td>min. 4' wood rail fence*</td>
</tr>
<tr>
<td>276</td>
<td></td>
<td>25'</td>
<td></td>
</tr>
<tr>
<td>252</td>
<td></td>
<td>30'</td>
<td></td>
</tr>
<tr>
<td>235</td>
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<td>35'</td>
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<td>223</td>
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<td></td>
<td>40'+</td>
<td>min. 5' berm</td>
</tr>
<tr>
<td>215</td>
<td></td>
<td>45'</td>
<td></td>
</tr>
<tr>
<td>209</td>
<td></td>
<td>50'+</td>
<td></td>
</tr>
<tr>
<td>00</td>
<td></td>
<td>50'+</td>
<td>min. 6' berm</td>
</tr>
<tr>
<td>53</td>
<td></td>
<td>10'+</td>
<td>min. 6' solid fence*</td>
</tr>
<tr>
<td>330</td>
<td></td>
<td>20'+</td>
<td>min. 44&quot; picket fence*</td>
</tr>
<tr>
<td>440</td>
<td></td>
<td>25'</td>
<td></td>
</tr>
<tr>
<td>362</td>
<td></td>
<td>25'+</td>
<td>min. 4' wood rail fence*</td>
</tr>
<tr>
<td>385</td>
<td></td>
<td>30'</td>
<td></td>
</tr>
<tr>
<td>349</td>
<td></td>
<td>35'</td>
<td></td>
</tr>
<tr>
<td>208</td>
<td></td>
<td>35'+</td>
<td>min. 4' berm</td>
</tr>
<tr>
<td>327</td>
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<td>40'</td>
<td></td>
</tr>
<tr>
<td>148</td>
<td></td>
<td>40'+</td>
<td>min 5' berm</td>
</tr>
<tr>
<td>310</td>
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<td>45'</td>
<td></td>
</tr>
<tr>
<td>299</td>
<td></td>
<td>50'+</td>
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</tr>
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</table>

17-159
### TABLE VII (continued): DETAILED BUFFERYARD REQUIREMENTS

<table>
<thead>
<tr>
<th>Opacity</th>
<th># Landscaping Points/100 feet</th>
<th>Width</th>
<th>Required Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>56</td>
<td>50'+</td>
<td></td>
<td>min. 6' berm</td>
</tr>
</tbody>
</table>

Continued on the next page.

* Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.

**NOTE:** Opacity standards provided courtesy of Lane Kendig, Inc.

---

### TABLE VII (continued): DETAILED BUFFERYARD REQUIREMENTS

<table>
<thead>
<tr>
<th>Opacity</th>
<th># Landscaping Points/100 feet</th>
<th>Width</th>
<th>Required Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>135</td>
<td>15'+</td>
<td></td>
<td>min. 6' solid fence*</td>
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<tr>
<td>564</td>
<td>30'</td>
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<td></td>
</tr>
<tr>
<td>405</td>
<td>30'+</td>
<td></td>
<td>min. 44&quot; picket fence*</td>
</tr>
<tr>
<td>492</td>
<td>30'+</td>
<td></td>
<td>min. 4' wood rail fence*</td>
</tr>
<tr>
<td>499</td>
<td>35'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>319</td>
<td>35'+</td>
<td></td>
<td>min. 4' berm</td>
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<tr>
<td>454</td>
<td>40'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>261</td>
<td>40'+'</td>
<td></td>
<td>min. 5' berm</td>
</tr>
<tr>
<td>422</td>
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<td>405</td>
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<td>160</td>
<td>51'+</td>
<td></td>
<td>min. 6' berm</td>
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<tr>
<td>388</td>
<td>55'</td>
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<td></td>
</tr>
<tr>
<td>374</td>
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</tr>
</tbody>
</table>

Continued on the next page.

* Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of
### TABLE VII (continued): DETAILED BUFFERYARD REQUIREMENTS

<table>
<thead>
<tr>
<th>Opacity</th>
<th># Landscaping Points/100 feet</th>
<th>Width</th>
<th>Required Structure</th>
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<tbody>
<tr>
<td>all</td>
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<td></td>
</tr>
<tr>
<td>0.80</td>
<td>415</td>
<td>30’+</td>
<td>min. 6’ solid fence*</td>
</tr>
<tr>
<td></td>
<td>655</td>
<td>40’+</td>
<td>min. 4’ berm</td>
</tr>
<tr>
<td></td>
<td>627</td>
<td>45’+</td>
<td>min. 5’ berm</td>
</tr>
<tr>
<td></td>
<td>873</td>
<td>45’+</td>
<td>min. 44” picket fence*</td>
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<td></td>
<td>910</td>
<td>50’+</td>
<td></td>
</tr>
<tr>
<td></td>
<td>509</td>
<td>50’+</td>
<td>min. 6’ berm</td>
</tr>
<tr>
<td></td>
<td>809</td>
<td>50’+</td>
<td>min. 4’ wood rail fence*</td>
</tr>
<tr>
<td></td>
<td>804</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>744</td>
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<tr>
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<td>710</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>677</td>
<td>70’+</td>
<td></td>
</tr>
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<td></td>
<td>636</td>
<td>40’+</td>
<td>min. 6’ solid fence*</td>
</tr>
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<td></td>
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<td>65’+</td>
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</tr>
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<td></td>
<td>994</td>
<td>70’+</td>
<td></td>
</tr>
<tr>
<td></td>
<td>934</td>
<td>75’+</td>
<td></td>
</tr>
<tr>
<td></td>
<td>892</td>
<td>80’+</td>
<td></td>
</tr>
</tbody>
</table>

* Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.

NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.
For the purpose of this Subchapter, plant materials are classified into thirteen (13) groupings: "climax tree", "tall deciduous tree", "medium deciduous tree", "low deciduous tree", "tall evergreen tree", "medium evergreen tree", "low evergreen tree", "tall deciduous shrub", "medium deciduous shrub", "low deciduous shrub", "medium evergreen shrub", "low evergreen shrub", and non-contributory plants. Species suitable for landscaping use and compatible with Baraboo climate and soil factors are listed in Table VIII, below. The Zoning Administrator shall review proposals for, and the applicability of, species not contained in this list and is authorized to approve appropriate similar species.

### Table VIII: Classification of Plants

#### Climax Trees – (75 Landscaping Points)

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer saccharum</td>
<td>Sugar Maple</td>
</tr>
<tr>
<td>Ginkgo biloba</td>
<td>Ginko</td>
</tr>
<tr>
<td>Quercus sp.</td>
<td>Oak: Red, White, Pin</td>
</tr>
</tbody>
</table>

#### Tall Deciduous Trees – (30 Landscaping Points)

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer sp.</td>
<td>Maple: Red, Silver, Norway</td>
</tr>
<tr>
<td>Fraxinus sp.</td>
<td>Ash: White, Green</td>
</tr>
<tr>
<td>Gleditsia triacanthos</td>
<td>Honeylocust</td>
</tr>
<tr>
<td>Populus grandidentata</td>
<td>Bigtooth Aspen</td>
</tr>
<tr>
<td>Tilia sp.</td>
<td>Linden: Basswood, Littleleaf, Redmond</td>
</tr>
<tr>
<td>Cornus sp.</td>
<td>Dogwood: Grey, Pagoda</td>
</tr>
<tr>
<td>Syringa sp.</td>
<td>Lilac: Chinese, Hyacinth</td>
</tr>
<tr>
<td>Viburnum sp.</td>
<td>Viburnum: Arrowwood, Wayfaringtree, Nannyberry</td>
</tr>
</tbody>
</table>

#### Medium Evergreen Trees – (20 Landscaping Points)

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thuja occidentalis</td>
<td>American Arborvitae</td>
</tr>
</tbody>
</table>

#### Medium Deciduous Trees – (15 Landscaping Points)

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Betula sp.</td>
<td>Birch: River, Paper</td>
</tr>
<tr>
<td>Prunus sp.</td>
<td>Cherry: Choke, Pin</td>
</tr>
<tr>
<td>Salix sp.</td>
<td>Willow</td>
</tr>
</tbody>
</table>

#### Low Deciduous Trees – (10 Landscaping Points)

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amelanchier sp.</td>
<td>Serviceberry</td>
</tr>
<tr>
<td>Crataegus sp.</td>
<td>Hawthorn: Cockspur, Downy, Washington</td>
</tr>
<tr>
<td>Malus sp.</td>
<td>Crabapple sp.</td>
</tr>
</tbody>
</table>

#### Tall Evergreen Trees – (40 Landscaping Points)

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abies concolor</td>
<td>White Fir</td>
</tr>
<tr>
<td>Pinus sp.</td>
<td>Pine: Red, White, Scots</td>
</tr>
<tr>
<td>Tsuga Canadensis</td>
<td>Canada Hemlock</td>
</tr>
</tbody>
</table>

#### Medium Evergreen Trees – (20 Landscaping Points)

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thuja occidentalis</td>
<td>American Arborvitae</td>
</tr>
</tbody>
</table>

#### Low Evergreen Trees – (12 Landscaping Points)

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Juniperus sp.</td>
<td>Juniper: Mountbatten, Redcedar</td>
</tr>
<tr>
<td>Thuja sp.</td>
<td>Arborvitae: Pyramidal, Techny</td>
</tr>
</tbody>
</table>

#### Tall Deciduous Shrubs – (5 Landscaping Points)

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
</table>

#### Requirements for the Installation, Maintenance and Use of Landscaped and Bufferyard Areas

1. **Installation**
   - Any and all landscaping and bufferyard material required by the provisions of this Subchapter shall be installed on the subject property in accordance with the approved site plan (see §17.55) within 720 days of the issuance of an occupancy permit for any building on the subject property.

2. **Surety:** If the subject property is to be occupied prior to the installation of all required landscaping and bufferyard material, the property owner shall sign an agreement stating the intent to install the landscaping within the 720 day period. This agreement shall also contain a statement indicating that there are fines associated with not complying with this agreement.

3. **Existing Plant Material:** All existing plant material which meets the requirements of §(3) and which will be preserved on the subject property.
property following the completion of development, may be counted as contributing to the landscaping requirements.

4. All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.

5. The exact placement of required plants and structures shall be depicted on the required detailed landscaping plan shall be the decision of each property owner within the requirements of this Subchapter, except that the following requirements shall be met:

   a. Evergreen shrubs shall be planted in clusters in order to maximize their chance for survival.

   b. Where a combination of plant materials, and/or berming and/or fencing is used in a bufferyard, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.

   c. A property owner may establish through a written agreement, recorded with the Register of Deeds Office, that an adjacent property owner shall agree to provide a partial or full portion of the required bufferyard on an immediately adjacent portion of their land, thereby exempting the developer from providing all or a portion of the required bufferyard on his property.

   d. In no manner shall landscaping or bufferyard materials be selected and/or located in a manner which results in the creation of a safety or visibility hazard. (See §3.)

   e. The restrictions on types of plants listed in §§(4) to (7) shall apply.

(b) Maintenance: The continued and continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this Chapter and shall be the responsibility of the owner of the property on which said materials are required. This requirement shall run with the property and is binding upon all future property owners. Development of any and all property following the effective date of this Chapter shall constitute an agreement by the property owner to comply with the provisions of this Subsection. Upon failure to comply with these provisions, the City may enter upon the property for the purpose of evaluating and maintaining all required landscaping and bufferyard materials, and may specially assess the costs thereof against the property. Failure to comply with this requirement shall be considered a violation of this Chapter, and shall be subject to any and all applicable enforcement procedures and penalties.

(c) Use of Required Bufferyard and Landscaped Areas: Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails provided that: no required material is eliminated; the total width of the required buffer-yard, or the total area of required landscaping, is maintained; and all other regulations of this chapter are met. In no event, however, shall swimming pools, tennis courts, sports fields, golf courses, or other such active recreation used be permitted in such areas. Furthermore, in no instance shall any parking be permitted in such areas, nor shall any outdoor display of storage of materials be permitted in such areas. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.

(d) Utility Easements: Landscaping materials, fences and berms which are located within a duly recorded utility easement and/or a pedestrian easement shall not count toward meeting a landscaping requirement. However, the width of such areas may be counted as part of a landscaping requirement.

(13) CALCULATING LANDSCAPING AND BUFFERYARD REQUIREMENTS. In calculating the number of required landscaping points under the provisions of this subchapter, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plant derived from the required calculations of this subchapter (for example 23.3 canopy trees) shall be rounded up to the nearest whole plant (24 canopy trees).

(14) DEPICTION ON REQUIRED SITE PLAN. Any and all proposed landscaping on the subject property, required to meet the standards of this Chapter, shall be clearly depicted and labeled as to its location and make-up on the site plan required for the development of the subject property.

(15) APPEALS. Any action of the Plan Commission pursuant to this Subchapter may
be appealed to the City Council pursuant to the procedures set forth in §17.37(4) of the Zoning Code.

(16) **VARIANCES.** Where, in the judgment of the Plan Commission or the Common Council, it would be inappropriate only to special conditions to apply literally the provisions of this subchapter, the Plan Commission or Common Council may waive or modify any such requirement to the extent deemed just and proper so that substantial justice may be done and the public interest served. The procedures and standards set forth in §18.02(5) shall apply to the granting of a variance under this subchapter.

(17) **ENFORCEMENT AND PENALTY.** Any person, including every owner and/or occupant of a development or use established after the effective date of this Subchapter who violates, disobeys, neglects, omits or refuses to comply with, or resists the enforcement of any of the provisions of the Subchapter shall be subject to a penalty as provided in §17.54 of this Code. Each violation and each day a violation continues or occurs shall constitute a separate offense.

**SUBCHAPTER V. PARK FACILITIES IMPACT FEE REGULATION (2143 03/09/04)**

**17.82 SUBCHAPTER V: IMPACT FEE REGULATION (2342 08/24/2010)**

(1) **PURPOSE AND INTENT** – This Section is intended to allocate the financial cost of providing public facilities fairly between existing City residents and owners of existing land developments within the City on the one hand and developers of new land developments on the other, and to comply with §66.0617, Wis. Stats., on municipal impact fees. This section is further intended to insure that public facilities are adequate to meet the development needs of the City and that new development pays a proportionate share of new, expanded, or improved facilities required by such development.

(2) **DEFINITIONS** – The definitions set forth in §66.0617(1), Wis. Stats., and any amendments thereto are hereby incorporated and made a part of this section. In addition, in this section, the following definitions shall apply:

(a) **“Building Permit”** – means any permit required for new construction and additions to residential dwelling units pursuant to the Baraboo Code of Ordinances. The term “building permit,” as used herein, shall not be deemed to include permits required for remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided no increase in the number of residential dwelling units results therefrom.

(b) “Development” – means the construction or modification of improvements to real property that creates or results in additional residential dwelling units within the City.

(c) “Public Facilities or Public Facilities Project” – means any or all of the following capital improvements that are necessary to support development and that are to be financed by the imposition of an impact fee: parks, playgrounds, other recreational facilities, police, and fire services.

(3) **PUBLIC FACILITIES NEEDS ASSESSMENT.** In accordance with §66.0617(4), Wis. Stats., the City has prepared a Public Facilities Needs Assessment Report for Park Facilities Improvements and Parkland Fee in-lieu-of Land Dedication, and for Police, and Fire Services. The needs assessments, standards, and methodology used for calculation of the Park Facilities Impact Fees, and for the Police, and Fire Services Fees, together with documentation of the City’s compliance with the statutory requirements are contained in the Public Facilities Needs Assessment for Park Improvements and Parkland Fee in Lieu of Land Dedication Report (Public Facilities Needs Assessment Report), and the Emergency Services Impact Fee Needs Assessment Report on file with the City Clerk.

(4) **PAYMENT OF IMPACT FEE REQUIRED.** Any developer who, after the effective date of this Section, applies for a building permit or an extension of a previously issued building permit for a development shall pay a Park Facilities, Police, and Fire Services Impact Fee as follows:

(a) The amount of the Park Facilities fee shall be $807 per additional single family residential dwelling unit to be constructed and $475 per additional multi-family residential dwelling unit to be constructed.

(b) The amounts for the Police and Fire Services Impact fee are as follows:

1. Police Impact Fee $ 965.00
2. Fire Dept. Impact Fee $ 870.00

(c) Payment of the impact fee shall be made to the City Treasurer prior to the issuance of any building permit for which the fee is applicable, except as provided in §5, below.
(5) IMPACT FEE FOR TYPE I MANUFACTURED HOME PARKS OR LOW COST HOUSING. Any developer who, after the effective date of this section, applies for a license for the development of a Manufacture Home Park (Type I) shall pay a Park Facilities Impact Fee for each residential Type I Manufactured Home sited or placed in the park. The fee shall be paid to the City Treasurer at the time a Manufactured Home is placed for occupancy. The impact fee imposed by this Section may be waived or reduced by the City Council after considering the recommendation of the Parks and Recreation Commission and the Plan Commission on a new development for a Manufacture Home Park (Type I) or for low cost housing, as provided in §66.0617(7), Wis. Stats.

(6) DISPOSITION OF REVENUES; EXPENDITURES. Revenues collected as impact fees under this section shall be placed by the City Treasurer in segregated interest bearing accounts and shall be accounted for separately from other funds of the City. Impact fee revenues and interest earned on impact fee revenues may be expended by the City only for the capital costs for which the impact fees were imposed and shall be expended on a first in/first out basis. Impact fees collected by the City shall be used within 10 years for the purposes for which they were collected.

(7) REFUNDS

(a) The current owner of a property on which an impact fee has been paid may apply for a full or partial refund of such fee if: (a) the City has failed to provide a public facility serving such property within 10 years of the date of payment of the impact fee; or (b) the building permit for which the impact fee has been paid has lapsed for non-commencement of construction; or (c) the project for which a building permit has been issued has been altered in a manner that has resulted in a decrease in the amount of the impact fee due; or (d) as otherwise provided in this section.

(b) A written claim for refund must be filed with the City Clerk within one year of the event giving rise to the claim. Failure to do so as provided herein shall be considered a waiver of the right to claim a refund under this section.

(c) For Park Impact Fees, within ten (10) business days of the filing date of a claim for refund, the City Clerk shall forward a copy of the claim for refund to the Parks and Recreation Director. Within forty-five (45) days of receipt, the Parks and Recreation Director shall submit a written report and recommendation to the City Administrator. The City Administrator shall review this report and make a written recommendation to the Common Council. Within fifty (50) days of the date of the City Administrator’s written recommendation, the Common Council shall adopt a written decision denying, approving, or approving in part, the claim for refund.

(d) For Police and Fire Services Impact Fees, within ten (10) business days of the filing date of a claim for refund, the City Clerk shall forward the claim to the Police Chief. Within forty-five (45) days, the Police Chief in consultation with the Fire Chief, shall submit a written report and recommendation to the City Administrator. The City Administrator shall review the report and make written recommendations to the Common Council. Within fifty (50) days of the date of the City Administrator’s written recommendation, the Common Council shall adopt a written decision deny, approving, or approving in part, the claim for refund.

(c) If the claimant wishes to appeal the decision of the Common Council, the claimant may commence an action in the Sauk County Circuit Court seeking review of the Council’s decision within thirty (30) days after the date on which the Council adopted its decision with respect to the claim for refund.

(8) OTHER MEANS OF FINANCING PUBLIC FACILITY IMPROVEMENTS RESERVED. Pursuant to §66.0617(2)(b), Wis. Stats., the imposition of Public Facilities Impact Fees under this Section does not prohibit or limit the City’s authority to finance facilities by other means authorized by law, including, but not limited to, by way of example, the use of fees in lieu of dedication under Ch. 18 of the Baraboo Code of Ordinances which fees are deemed to not be impact fees as that term is used in §66.0617, Wis. Stats.

(9) PERIODIC REVIEW AND MODIFICATION. The City may, in conjunction with the adoption process for the Annual Capital Budget and Capital Improvements Plan periodically review the development potential within the City and the City’s Capital Improvements Plan and make such modifications as deemed necessary as a result of:

(a) Development occurring in prior years,
(b) Public facilities actually constructed,
(c) Changing facilities needs,
(d) Inflation,
(e) Revised cost estimate for public facilities,
(f) Changes in the availability of other funding sources applicable to public facility projects, and
(g) Such other factors as may be relevant.

With the exception of annual increases to account for inflation, any impact fee modifications resulting from changes in development potential or capital improvements programs shall require a public hearing as provided by Section 66.0617, Wis. Stats.

(10) IMPACT FEE AS ADDITIONAL AND SUPPLEMENTAL REQUIREMENT – Except as required by §66.0617(6)(d), Wis. Stats., the impact fee imposed under this Section is additional and supplemental to, and not in substitution of, the park land dedication or payment in lieu of land dedication required by the City Code or any other requirements imposed by the City on the development of land or the issuance of building permits.

(11) APPEALS
(a) Notice of Appeal. Any developer upon whom an impact fee has been imposed may contest the amount, collection, or use of the impact fee by filing a Notice of Appeal with the City Clerk. The Notice of Appeal shall be filed with the City Clerk within thirty (30) days of the date of the determination appealed from. The Notice of Appeal shall state in detail the relief sought by the developer and any legal or factual basis for the relief requested and shall include all supporting documentation upon which the developer relies in making the appeal. Any appeal challenging the use of impact fees that are collected shall be solely limited to the question whether the fees are being used for the purposes for which they were collected within the allowable time established under this section. The burden shall be on the Appellant-Developer to establish the illegality or impropriety of the fee from which the appeal has been taken. An appeal as to the use of proceeds shall not be entitled to challenge the City’s public facility plans or needs assessments. A non-refundable appeal fee shall be paid at the time of the filing of the appeal.

(b) Payment of Impact Fee or Posting of Appeal Bond. If at the time of the filing of the Notice of Appeal the impact fee appealed from has been paid in full or if the Notice of Appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the impact fee due, as calculated by the City, and all other requirements have been satisfied, the building permit for the development may be issued or the final plat or minor land division may be approved. The filing of an appeal shall not stay the collection of the impact fee due unless a bond or other sufficient surety has been filed.

(c) Pursuant to §66.0617, Wis. Stats., the only issues appealable under this Section are the following:
1. The amount of impact fee charged to and paid by the Appellant-Developer.
2. The method of collection of the impact fee.
3. The use of the particular impact fee charged to and paid by the Appellant-Developer.

(d) Review by City Council.
1. Within ten (10) business days of the date of filing of the Notice of Appeal, the City Clerk shall forward a copy of the Notice of Appeal to the City Administrator. Within thirty (30) business days of receipt, the City Administrator shall submit a written report and recommendation to the Finance Committee. The Finance Committee shall review this report and make a written recommendation to the City Council.

2. Within sixty (60) days of the date of the Finance Committee’s written recommendation, the City Council shall, at a regular Council meeting, provide the Appellant-Developer with an opportunity to address the Council on the issue on appeal. Following this, the Common Council shall deliberate upon the matter and shall decide the appeal. The City Council shall adopt a resolution denying, approving, or approving in part the appeal.

(e) Review by Circuit Court. If the developer wishes to appeal the decision of the City Council, the developer may commence an action by certiorari in the Sauk County Circuit Court seeking review of the City Council’s decision within thirty (30) days after the date on which the Council adopted the resolution with respect to the developer’s appeal.

(12) SEVERABILITY. If any provision of this Section is declared illegal or invalid for any reason, that illegality or invalidity shall not effect the remaining provisions which shall remain in full force and effect.

SUBCHAPTER VI. DEDICATION AND RESERVATION OF LAND AND PAYMENT OF FEE IN LIEU OF LAND DEDICATION FOR RESIDENTIAL DEVELOPMENTS. (2144 03/09/04)

17.83 DEDICATION AND RESERVATION OF LAND AND PAYMENT OF FEE IN LIEU OF LAND DEDICATION FOR
RESIDENTIAL DEVELOPMENTS. (2144)
(03/09/04)

(1) PURPOSE. This section is adopted pursuant to §62.23(7)(a), Wis. Stats., in order to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. This section is further intended to insure that adequate open spaces and sites for other public purposes may be properly located and reserved and to insure that the cost of providing public areas, such as, but not limited to, parks, recreation areas, and other public lands, including public schools, may be equitably apportioned on the basis of additional need created by a residential development.

(2) DEFINITIONS. In this section, the following definitions shall apply:
(a) Building Permit means any permit required for new construction and additions to residential dwelling units pursuant to the Baraboo Code of Ordinances. The term “Building Permit” as used herein shall not be deemed to include permits required for remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided no increase in the number of residential dwelling units results therefrom.

(b) Development means the construction or modification of improvements to real property that creates or results in three or more additional residential dwelling units within the City including, but not limited to, any condominium, cluster, townhouse, apartment, planned residential development, and/or Type 1 Manufactured Home Park.

(c) Developer means a person who constructs or creates a development.

(3) DEDICATION AND RESERVATION OF LAND.
(a) Each developer of land in the City shall, at the discretion and direction of the Plan Commission, either dedicate lands designated on the City’s adopted Comprehensive Plan, Official Map, or adopted plan components, or reserve such future public lands where no proposed public lands are directly involved, or pay a park fee in lieu of dedication. The Plan Commission shall, at the time of reviewing a development, select the land dedication option, fees in lieu of land option, or reservation of additional land option, and shall record such selection in the minutes of the meeting at which the development plans are presented for approval.

(b) In the design of a development, provision shall be made for suitable sites for adequate areas for schools, parks, playgrounds, open spaces, drainage ways, and other public purposes. Such sites shall be shown on the development plans and shall comply with the City’s Master Plan, Official Map, or component of adopted plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and wood-lands, prairie and wetlands, and plant and animal communities.

(c) All developers shall be required to dedicate developable land to the City for park or other public open space or recreational uses, other than streets or drainage ways, in an amount equal to 5% of the total area proposed to be developed, including public and/or private streets and roadways, rights-of-way, detention basins and drainage ways or, in the alternative, one acre of land for each twenty-five (25) proposed residential dwelling units, whichever is greater. Where a definite commitment has been made by the developer and City on the number of residential dwelling units to be provided in the development, the dedication shall be based on that number. Where no such commitment exists, the dedication shall be based on the maximum number of dwelling units the development will support, exclusive of open space and other public lands. Drainage ways, detention basins, wetlands, watercourses, and areas reserved for streets shall not be considered as satisfying land dedication requirements. Whenever a proposed playground, park, or other public open space or recreation area, other than streets or drainage ways, designated in the Master Plan, Official Map, or Master Plan component of the City is embraced, all or in part, in the tract of land to be developed, these lands shall be made part of the required land dedication. The Plan Commission shall determine the suitability and adequacy of lands proposed for dedication. Lands dedicated for public purposes shall be decreed to the City at the time the development is approved. All dedicated lands shall have frontage on a public street and shall have unrestricted public access. The developer shall install or provide for installation of water and sanitary sewer lines to the property line of the dedicated lands where such services are to be provided to the adjacent properties.

(d) When parklands or other public lands are dedicated, the developer is required to:
1. Properly grade and contour for proper drainage; and
2. Provide a surface contour suitable for anticipated use of the area; and
3. Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the City Engineer, fertilize with 16-6-6 at the rate of 7 pounds per 1,000 square feet and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus bearing soils adapted to the

17-167
sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. The City may require certification of compliance by the City Engineer.

(c) Where, in the opinion of the Plan Commission, there is no land suitable for parks or other public open space or recreation uses within the proposed development or where the dedication of land would not be compatible with the City’s Master Plan or Park Plan, or where the Plan Commission determines that a cash contribution would better serve the public interest, the Plan Commission shall direct that the developer contribute a payment to the City in lieu of land dedication. This payment shall be determined as provided in §17.83(4). Where a lot or parcel for which payment has once been made is further developed, payment shall be required only for the additional residential dwelling units created. The Plan Commission shall determine whether the developer shall be required to dedicate land or pay a fee in lieu of land dedication. Where the land dedicated to the City contributes less than the full amount required by §(c), the park fee provided by §17.83(4) for each residential dwelling unit shall be reduced by a proportionate amount. The Plan Commission shall also determine the location of sites dedicated to such public uses and the types of uses to which such sites shall be put. In making these determinations, consideration shall be given to the needs of the community in general and of the residents of the proposed development. Consideration shall also be given to the feasibility and practicality of requiring the land dedication and whether the dedication is compatible with the City’s Master Plan, zoning regulations, and existing and planned public sites and facilities.

(f) Land Abutting Lakes and Streams. Whenever feasible, all public access to the low watermark of navigable lakes and streams required by §236.16(3), Wis. Stats., shall be at least 100 feet wide and contain land characteristics acceptable to the Plan Commission. The land lying between the meander line established in accordance with §236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise undevelopable lands which lie between a proposed development and the water's edge shall be included as part of lots, out-lots or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be developed and which abut a lake or stream as provided in §236.16(4), Wis. Stats.

(a) Fees for Developments Situated on Lands Subdivided or Platted Under Ch. 18 Before March 15, 2004. A development wholly situated on lands subdivided or platted where the final plat or Certified Survey Map was approved and recorded under Chapter 18 of this Code prior to March 15, 2004, for residential purposes within any zoning district within the City shall pay a park fee to the City for each residential dwelling unit as follows:

- $200.00 per single family dwelling,
- $300.00 per two-family dwelling,
- $100.00 per multi-family dwelling.

(b) Fees for Plats or Maps approved after March 15, 2004. Pursuant to Public Facilities Needs Assessment Report for Park Facilities Improvements and Park Land Fee In-Lieu of Land Dedication Report prepared by the City, a development wholly situated on lands not subject to §(4)(a) above shall pay a park fee to the City for each residential dwelling unit as follows:

- $664.00 for each dwelling unit. For Community-Based Residential Facilities (CBRFs) the fee shall be $664.00 for every three proposed dwelling units within the plat.

Suppl #26 05-2008
CHAPTER 18

SUBDIVISION AND PLATTING

18.01 Introduction

18.01 INTRODUCTION.

18.01 INTRODUCTION.

18.01 AUTHORITY. These regulations are adopted under the authority granted by §236.45, Wis. Stats.

18.01 PURPOSE. The purpose of this chapter is to regulate and control the division of land within the corporate limits of the City and its extraterritorial plat approval jurisdiction in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the City and its environs.

18.01 INTENT. It is the general intent of this chapter to regulate the division of land so as to:

(a) Obtain the wise use, conservation, protection and proper development of the City's soil, water, wet-land, woodland and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.

(b) Lessen congestion in the streets and highways.

(c) Further the orderly layout and appropriate use of land.

(d) Secure safety from fire, panic and other dangers.

(e) Provide adequate light and air.

(f) Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds and other public facilities and services.

(g) Secure safety from flooding, water pollution, disease and other hazards.

(h) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects.

(i) Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters.

(j) Preserve natural vegetation and cover and promote the natural beauty of the City.

(k) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development.

(l) Facilitate the further division of larger tracts into smaller parcels of land.

(m) Ensure adequate legal description and proper survey monumentation of subdivided land.

(n) Provide for the administration and enforcement of this chapter.

(o) Provide penalties for its violation.

(p) Implement those City, County, watershed or regional comprehensive plans or their components adopted by the City; in general, to facilitate enforcement of City development standards as set forth in the adopted regional, County and City comprehensive plans, adopted plan components, the Zoning Code, the Official Map and the Building Code of the City.

(q) Maintain the quality of the environment and protect the groundwater from contamination and pollution, maintain the orderly layout and use of land and prevent undue concentration of population using
private sanitary systems, to insure the best possible environment for human occupation, and to prevent urban sprawl in areas not served by public sanitary sewer service. (1909 06/11/97)

(4) ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(5) INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(6) NONLIABILITY. The City does not guarantee, warrant or represent that those soils listed as being unsuited for specific uses are the only unsuitable soils in the City and its extraterritorial plat review jurisdiction. Furthermore, the City does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation. The City hereby asserts that there is no liability on the part of the City, its agencies or its employees for sanitation problems, structural damage or flood damages that may occur as a result of reliance upon, and conformance with, this chapter.

(7) TITLE. This chapter shall be known as, referred to or cited as the "Subdivision and Platting Code, City of Baraboo, Sauk County, Wisconsin."

18.02 GENERAL PROVISIONS.

(1) JURISDICTION. Jurisdiction of these regulations shall include all lands within the corporate limits of the City and those lands within the extraterritorial jurisdiction of the City as established in §62.23(2) and 66.0105, Wis. Stats. The provisions of this chapter, as it applies to divisions of tracts of land into less than 5 parcels, shall not apply to the following:

(a) Transfers of interests in land by will or pursuant to court order.
(b) Leases for a term not to exceed 10 years, mortgages or easements.
(c) 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 these regulations, the zoning ordinances or other applicable laws or ordinances.
(d) Cemetery plats made under §157.07, Wis. Stats.
(e) Assessors' plats made under §70.27, Wis. Stats., but such assessors' plats shall comply with §236.15(1) (a) to (g) and 236.20(1) and (2)(a) to (c), Wis. Stats.

(2) COMPLIANCE. No person, firm or corporation shall divide any land located within the corporate limits of the City of Baraboo or within the extraterritorial plat approval jurisdiction thereof which shall result in a subdivision, minor land division or replat as defined herein without complying with the provisions of Ch. 236, Wis. Stats. and the requirements of this chapter, whichever is more restrictive. This chapter shall apply to Condominiums created under Wis. Stats. Ch. 703, the Condominium Ownership Act, where an actual subdivision or minor land division results. No subdivision, minor land division or replat shall be entitled to be recorded and no street shall be laid out nor building permit issued where a subdivision, minor land division or replat results without compliance with the provisions of Ch. 236, Wis. Stats. and the requirements of this chapter, whichever is more restrictive. All subdivisions, minor land divisions and replats shall further comply with the following: (1909 06/11/97)

(a) Ch. 236, Wis. Stats. and the provisions of this chapter, whichever is more restrictive.
(b) The rules and regulations contained in the Wis. Admin. Code and the State Statutes for land divisions not served by public sanitary sewer system, except the minimum lot or parcel size requirements of this chapter shall control for lots or parcels not served by a public sanitary sewer system.
(c) The rules of the Division of Highways, Wisconsin Department of Transportation contained in the Wis. Admin. Code for Subdivisions and minor land divisions relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned and controlled by the subdivider abuts on a state trunk highway or connecting street.
(d) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Admin. Code setting water quality standards preventing and abating pollution and regulating development within floodland, wetland and shoreland areas.
(e) Comprehensive plans or components of such plans prepared by state, county or municipal agencies duly adopted by the Common Council of the City of Baraboo.
(f) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances, except the subdivider shall comply with the minimum lot or parcel size requirements of this chapter for lots and not served by a public sanitary system.

(g) A developer’s or subdivider’s agreement between the City and the developer or subdivider.

(h) Except to the extent expressly set forth in this chapter, all applicable regulations contained in the Wis. Admin. Code not listed in this subsection.

(i) The requirements of City departments as determined during review of the subdivision or minor land division.

(j) The City’s sewer and water rules and regulations concerning sewer and water installations and services. These rules and the City’s sewer and water use ordinances are incorporated herein by reference and made a part hereof as though fully set forth herein.

(k) Except for lots and parcels not served by a public sanitary sewer system, minimum lot size and width requirements shall conform to the area and width requirements prescribed for the zoning district in which the property is located.

(l) The City of Baraboo Master Plan and Official Map, or components hereof:
   1. Whenever a parcel to be subdivided embraces any part of a street, highway or green way designated in said Master Plan or Official Map, such part of such proposed public way shall be platted and dedicated by the Subdivider in the location and the width indicated along with all other streets in the Subdivision.
   2. When a proposed school site or other public grounds shown on the Master Plan or Official Map of the City of Baraboo is located in whole or in part within the proposed subdivision or minor land division, such proposed public ground or park may be dedicated to the public, or reserved for a period of five years from the date of approval of the final plat or minor land division for the acquisition by the City of Baraboo, Sauk County, Wisconsin, the township in which it is located, or any other appropriate agency having the authority to purchase said property. The City or any other appropriate agency having authority to purchase said property and the subdivider shall enter into an agreement, which provides for the purchase of the lands held in reserve prior to the conclusion of the five-year period.

(3) DEDICATION AND RESERVATION OF LANDS.
   (a) Streets, Highways and Drainageways. Whenever a tract of land to be divided encompasses all or any part of an arterial street, public drainageway or other public way which has been designated in the General Plan, Plan Component or on the Official Map of the City, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or component and as set forth in §18.07 of this chapter. Streets within the extraterritorial plat review jurisdiction of the City shall be dedicated by the subdivider to the appropriate town. Should the town require less dedication than is specified by §18.07 of this chapter or by the Official Map, the excess right-of-way shall be reserved for future acquisition by the City.

   (b) Other Public Sites. Whenever any portion of a proposed park or other public land, other than streets or drainageways, designated in the Comprehensive Plan, the Official Map, or adopted plan components of the City is included within any tract of land proposed to be subdivided or platted, including a condominium plat, these proposed public lands shall be made a part of the plat and shall be dedicated to the City by the subdivider as provided in §18.07(10) of this chapter. (2144 03/09/04)

(4) IMPROVEMENTS. Before final approval of any plat or certified survey map, the subdivider shall enter into an agreement with the City to install the required improvements and shall file with the subdivider’s agreement an irrevocable letter of credit or other appropriate sureties meeting the approval of the City Attorney equal to the estimated cost of the improvements. Improvement cost estimates shall be made by the developer, re-viewed by the City Engineer and approved by the Council. The improvements may be installed after approval of a preliminary plat or certified survey map by the subdivider or his subcontractors, but not later than one year from the date of recording of the final plat or certified survey map, or as
provided in the subdivider's agreement. The subdivider's agreement shall specify a completion date for all improvements. In addition: (1871 05/14/96)

(a) Plans and specifications for all improvements shall be reviewed and approved by the City Engineer, in writing, prior to commencement of construction. The subdivider may submit an interim final plat or certified survey map with the improvement plans; however, review and approval of a final plat or certified survey map shall not be initiated until the improvement plans have been reviewed and approved and until the subdivider's agreement has been fully executed.

(b) Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights of way, as well as the contractors and subcontractors, providing such work shall be subject to the prior written approval of the City Engineer in accordance with City standards and specifications.

c) Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

d) Before final approval of any plat or certified survey map within the City or its extraterritorial jurisdictional limits, the subdivider shall install survey monuments placed in accordance with the requirements of §236.15, Wis. Stats., and as may be required by the City Engineer.

e) Prior to the acceptance of a final plat or certified survey map, the subdivider shall furnish, when required by the City, a consent and waiver of the statutory provisions for special assessments for the installation of sanitary sewer, storm sewer, sewer laterals, water main, water laterals, curb and gutter, sidewalks, street surfacing, underground street lighting services and all other utilities, which shall be in a form approved by the City Attorney, pursuant to §66.0703(7)(b), Wis. Stats., and shall be recorded in the office of the Register of Deeds in the same manner as a lis pendens. Such consent and waiver shall provide that the installation of such services shall be made at the discretion of the Council.

(5) VARIANCES.

(a) Granting of Variances. Where, in the judgment of the Common Council, after report and recommendation by the Plan Commission, it would be inappropriate, owing to special conditions, to apply literally the provisions of subs. (6) below and §§18.07 and 18.08 of this chapter and/or the lot size, minimum yard dimensions or maximum lot coverage of the Zoning Code, because an unnecessary hardship would result, the Common Council may waive or modify any such requirement to the extent deemed just and proper so that substantial justice may be done and the public interest served. Application for any such variance shall be made in writing by the subdivider to the City Clerk at the time the preliminary plat or certified survey map is filed for consideration. The application shall include a statement with supporting evidence showing that the proposed variance shall conform to the standards set forth in this subsection and shall further include such additional information deemed necessary to determine and provide for the enforcement of this chapter as may be required by the Plan Commission, the Common Council, or officers of the City. Applications for variances under this subsection shall require the pre-payment of a fee as provided in §18.10 of this chapter. Upon receipt of the required fee, application and supporting materials, the Plan Commission shall hold a public hearing at such time and place as shall be established by the Plan Commission. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official City newspaper at least one week before the date of the hearing. Notice of the time, place and purpose of such public hearing shall also be sent to the subdivider, and to the property owners of records as listed in the office of the City Assessor who are owners of each tax parcel situated in whole or in part within 100 feet of the boundaries of the site. This notice shall be mailed by first class mail at least 10 days prior to the date of such public hearing to the address of each owner as shown in the City Assessor's records for each affected tax parcel. Failure to comply with the foregoing publication and/or notice provisions or the failure of a person to receive notice shall not, however, invalidate any previous or subsequent action on the variance. The party requesting the variance shall carry the burden to prove to a reasonable certainty to the satisfaction of the Plan Commission that the facts and circumstances of the application establish
an unnecessary hardship exists due to unique physical characteristics of the property and that the granting of the variance will neither harm the public interest nor undermine the purposes of the City Codes. In order to prove unnecessary hardship, the following three standards must be proven. (1909 06/11/97)

1. Compliance with the strict letter of the applicable restriction would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. Under this standard, the Plan Commission must judge what is a feasible use for the property as a whole and a variance is not warranted if the physical character of the property will allow the owner to build or develop the property in compliance with the applicable Codes; and

2. The hardship or difficulty must relate to the unique physical characteristics of the property and the hardship or difficulty must be peculiar to the property in question and different from that of other parcels and not one which affects all parcels similarly, nor must the hardship be self-imposed nor must the hardship or difficulty be due solely to the desires of or conditions personal to the applicant, such as the desire to increase the value or income potential of the property; and

3. The granting of a variance must neither harm the public nor undermine the purposes of the City Codes. The Plan Commission shall protect the interests of the public at large and shall preserve the enjoyment of substantial property rights possessed by other properties in the same district and the same vicinity. A lack of local opposition shall not in itself mean that a variance will not harm the public interest.

4. After conducting the public hearing, the Plan Commission shall make a written report and recommendation to the Common Council. After receiving the Plan Commission’s report and recommendation, the Common Council may grant such variances to the extent and upon such terms as deemed just and proper such that the spirit of the Codes is observed, public safety and welfare secured and substantial justice done. Unless otherwise expressly directed by the Council, no public hearing shall be held before the Council to consider the granting or denial of a variance under this chapter.

(b) Monuments. The Council may waive the placing of monuments, required under §236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond or irrevocable letter of credit to insure the placing of such monuments within the required time limits established by the City.

(6) LAND SUITABILITY. 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, steep topography, 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 harmful to the community. (2045 01/09/2001)

(a) Except as provided herein, the Plan Commission shall determine land suitability prior to the time the preliminary plat or certified survey is considered for approval, following review and recommendations by the appropriate City Commissions and Committees. The Plan Commission may impose special conditions in the plat or certified survey map deemed necessary to protect the health, safety or welfare of future residents of the area. The areas which are found to be environmentally sensitive shall be considered for preservation as open space. The determination of land suitability will be evaluated through the Environmental Assessment Procedures set forth in §18.03(b) of this Code. The subdivider shall furnish such maps, data and information as may be necessary to make a determination of land suitability.

(b) Should the Plan Commission determine that the land is unsuitable for the intended use or development, it shall state its reasons in writing to the subdivider within 45 days of initial Plan Commission action. The subdivider may present additional evidence to support the proposed subdivision. Upon review of the additional evidence, the Plan Commission shall affirm, modify, or withdraw its determination of unsuitability.
(c) The subdivider may appeal the determination of land suitability as provided in §18.02(9).

(7) SUBDIVISIONS OR MINOR LAND DIVISIONS IN EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. Jurisdiction of these regulations shall include all lands within the corporate limits of the City of Baraboo as well as the unincorporated area within the extraterritorial plat approval jurisdiction of the City of Baraboo and the City elects to approve subdivisions, plats, replats and minor land divisions under its extraterritorial plat approval jurisdiction as provided in Ch. 236 and §66.32, Wis. Stats. Any subdivision, minor land division or replat within the City's extraterritorial plat approval jurisdiction shall be subject to approval in accordance with §18.03(8) of this chapter. (1909 06/11/97)

(8) MINIMUM LOT OR PARCEL SIZE FOR LOTS OR PARCELS IN THE CITY'S EXTRATERRITORIAL PLAT APPROVAL JURISDICTION (2225 04/25/2006)


1. Preamble. The City of Baraboo has an inherent interest in maintaining the quality of land division and the orderly layout and use of land and preventing undue concentration of population using private sanitary systems and private wells, so as to protect the groundwater and the environment and to ensure the best possible environment for human occupation. The City is also interested in limiting the potential impact that future development in the extraterritorial areas will have on City provided services, such as City parks, police services and streets. The City has an interest in promoting the wise use, conservation, protection and proper development of the extraterritorial area's soil, water, wetland, woodland and wildlife resources, and to attain a proper adjustment of land use and development to the supporting and sustaining of a natural resource base. The City's interest is to further the ordinary layout and appropriate use of land and to provide adequate light and air, and to prevent the overcrowding of land, and to regulate and control urban sprawl, and improve the quality of development. The City desires to preserve natural vegetation and cover and promote the natural beauty of the extraterritorial area. It is in the City's interests to promote the goals and plans as set forth in the City's Comprehensive Plan, which is incorporated by reference, including preserving quality agricultural lands for that purpose when located in an area designated for preservation. The City further seeks to provide the best possible environment for human habitation and by encouraging the most appropriate use of land throughout the City's extraterritorial plat approval jurisdiction. The City is a co-owner of an airport, portions of which are with the extraterritorial plat approval jurisdiction of the City. It is in the City's interests to control land divisions and developments near the airport so as to protect the future operation of the airport. The City further declares goals to insure that new development will not be detrimental to the physical, social and economic wellbeing of residents of the City, to direct new growth to those areas capable of providing a full range of urban services and facilities, to prevent scattered and noncontiguous development without discouraging new and desirable development, and to discourage new developments in those areas that are premature in terms of planning and timing for the provision of adequate public services and facilities. Based upon the foregoing, it is necessary in the interest of public health, safety and welfare to establish minimum lot or parcel sizes for any lot or parcel in the City’s extraterritorial plat approval jurisdiction provided for in §236.10, Wis. Stats.

2. The minimum lot or parcel size for a lot or parcel to be used for residential purposes shall be 20 acres per dwelling unit. The minimum lot or parcel size for a lot or parcel to be used for a commercial, business or industrial use shall be 20 acres. In order to meet the minimum lot or parcel size requirements of this subsection, the lot or parcel shall be a single piece of contiguous land undivided by and excluding from area
measurement any street, railroad right-of-way, or navigable waterway.

3. Nothing in this section shall be construed as to limit the minimum lot size of parcels existing or to be created within the Town of Baraboo Sanitary District, provided that such lots meet the minimum size requirements of the Town of Baraboo or Sauk County, whichever shall be the most restrictive.

(b) Special Exceptions:

1. A special exception to the requirements of this subsection may be granted by the Plan Commission or Council if a tax parcel existing as of January 1, 1998, containing an existing single family dwelling used for residential purposes, with or without accessory buildings, is proposed to be divided by a certified survey map showing two or more lots of record so as to locate the existing dwelling and accessory buildings on a lot less than 20 acres in area provided that the lot with the dwelling satisfies the applicable minimum lot size requirements for the municipality where the lot is located and each remainder lot of record resulting from the land division meets one or more of the following preconditions: (1971 04/13/99)
   a. Each remainder lot of record is vacant land and each such remainder lot is at least 20 acres in area or greater, or
   b. Each remainder lot of record is vacant land and the certified survey map for the proposed land division combines such remainder lot with a contiguous, single tax parcel existing as of January 1, 1998, thereby creating a lot of record which is sufficient in size to meet the applicable minimum lot size requirements for the municipality where it is located.
   c. In this subsection the term “existing single family dwelling used for residential purposes” means a dwelling occupied and used as a residence as of January 1, 1998, and continuously thereafter to the date of the application and which dwelling satisfies the applicable ordinances of the municipality where it is located for continuation of such use. The term “lot of record” means a parcel of contiguous land under one ownership shown on a certified survey map prepared under §236.34, Wis. Stats., and which is undivided by a street, railroad right-of-way, dedicated right-of-way, or navigable waterway. The applicant for the land division shall carry the burden of proof to establish that a proposed land division meets the requirements of this subsection.

2. A special exception may be granted to the minimum lot or parcel size requirements of this subsection where the property owner consents in writing that a covenant or deed restriction shall be entered on the certified survey map specifying that the undersized lot or parcel is unbuildable for any residential, commercial, business, or industrial purpose or use. The minimum lot size requirements for a lot served by a public sanitary sewer system shall be in accordance with the zoning requirements as set forth in the City’s Zoning Code. The provisions of this subsection shall supersede and control the minimum lot size requirements set forth in §18.07(6) of this chapter. (1971 04/13/99).

3. A special exception may further be granted by the City Council to the minimum lot or parcel size requirements of this subsection (18.02(8)) if three (3) tax parcels existing as of January 01, 1998, are contiguous and under one ownership as of January 01, 1998, are proposed to be divided by a Certified Survey Map showing three (3) lots of record, providing that the land division meets the following pre-conditions: (2142 02/24/04)
   a. Where the three (3) existing tax parcels are each sufficient in size to meet the existing
applicable minimum lot size requirements for the municipality where the parcels are located for use for residential purposes without the granting of any variance, and where each existing tax parcel could be sold or conveyed and presently used for residential purposes without a land division, and

b. Where one existing tax parcel contains an existing single-family dwelling used for residential purposes, with or without accessory buildings, and is approximately 35 acres in size, and where another of the existing tax parcels also contains an existing single-family dwelling used for residential purposes, with or without accessory buildings, and is approximately four (4) acres in size, and where the third existing tax parcel is a vacant one-acre parcel, and

c. Where the Council finds that the proposed land division proposes to reconfigure the four-acre tax parcel so as to create two new lots of record, each approximately two acres in size leaving a lane between the two lots of record that is located for the future extension of Mine Road, as shown on the City’s Official Street Map.

4. A special exception may be granted by the City Council to the minimum lot or parcel size requirements of this subsection (18.02(8)) if two lots of record existing as of January 01, 1998, are contiguous and under one ownership as of January 01, 1998, and are proposed to be redivided by a certified survey map showing two reconfigured lots of record, providing that the land division meets the following pre-conditions: (2157 06/22/04)

5. A special exception to the requirements of this subsection may be granted by the City Engineer for the modification of lot lines between contiguous lots, whether owned by one or multiple owners, provided that after the modification no new lots are created, and all existing lots remain valid lots within their municipal jurisdiction. (2218 01/24/2006; 2362 08/23/2011)

6. A special exception to the requirements of this subsection may be granted by the Plan Commission when all of the following circumstances exist: (2292 11/11/2008)

a. The density of buildable lots shall not exceed one for every 20 acres of land divided;

b. A buildable lot shall not exceed 2 acres in size;

c. The land division shall be by certified survey map only;

d. Non-buildable parcels must be enrolled as a Preservation Area Easement as part of the Sauk County Planned Unit
Development Program – Cluster Development.

(9) SPECIAL PROCEDURES WHERE WIS DOT TRANS 233 APPLIES TO A LAND DIVISION - Whenever Wisconsin Department of Transportation Administrative Code Trans 233 applies to a land division within the City, the following procedures and standards shall apply: (2018 06/27/2000)

(a) The preliminary plat, final plat, or Certified Survey Map shall not be considered filed with the City for approval until the plat or map has been approved by the Wisconsin Department of Transportation pursuant to Trans 233.

(b) The Council shall be authorized to establish the same setback area for city zoning purposes as the setback area approved by the Wisconsin Department of Transportation, where, in the judgment of the Common Council, after report and recommendation by the Plan Commission, the setback established by the state DOT will not be contrary to the public interest and where such allowed setback is in harmony with the general purposes and intent of the City’s Zoning Code. Any setback allowed by the Council under this section may be subject to such conditions and restrictions as determined by the Council to be in the public interest. The plat or map shall clearly show the boundary of the setback line.

(10) APPEALS. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in §236.13(5), Wis. Stats., within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. (1909 06/11/97)

18.03 LAND DIVISION PROCEDURE.

(1) PRE-APPLICATION ENVIRONMENT ASSESSMENT, PUBLIC FACILITIES AND SERVICES. (2045 01/09/2001)

(a) Pre-application. Prior to the filing of an application for the approval of a preliminary plat or certified survey map, it is recommended that the subdivider consult with the Plan Commission or the City Engineer in order to obtain their advice and assistance. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, other provisions of this Code, sewer and water availability, other engineering considerations, duly adopted City plans and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and the Plan Commission may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and the community. The subdivider will also gain a better understanding of the subsequent required procedures.

(b) Environmental Assessment. A checklist may be prepared by the subdivider for review at the pre-application conference.

1. Purpose. The purpose of this environmental assessment checklist is to provide the basis for an orderly, systematic review of the effects of all new subdivisions upon the community environment in accordance with the principles and procedures of Wis. Stats. §236.45(1). The Plan Commission will use these procedures in determining land suitability under §18.02(6). The goals of the community in requiring this checklist are to eliminate or reduce pollution and siltation to an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for storm water control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.

2. Coverage. The Environmental Assessment Checklist shall apply to all subdivisions, including minor subdivisions. The Plan Commission may waive the requirement for the filing of an environmental assessment checklist for minor subdivisions of less than five (5) acres total area.

3. Preliminary Checklist for Environmental Assessment of Plats and Land Divisions and Community Development Plans:
### Preliminary Checklist for Environmental Assessment of Plats, Land Divisions, and Community Development Plans

(All yes answers must be explained in detail by attaching maps and supporting documentation describing the impacts of the proposed development.)

#### I. Land Resources

<table>
<thead>
<tr>
<th>Does the project site involve:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two (2) foot contour intervals).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. A landform or topographic feature of local or regional interest.</td>
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<tr>
<td>C. A floodplain (If yes attach two (2) copies of a typical stream valley cross section showing the channel of the stream, the 100 year floodplains limits and the floodway limits (if officially adopted), of each side of the channel and a cross section of area to be developed)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D. An area of soil instability – greater than 18% slope and/or organic soils, peaks, or mucks at or near the surface</td>
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<td></td>
</tr>
<tr>
<td>E. An area of bedrock within 6 feet of the soil surface</td>
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<tr>
<td>F. An area with the groundwater table within 10 feet of the soil surface</td>
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</tr>
<tr>
<td>G. An area with fractured bedrock within 10 feet of the soil surface</td>
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<tr>
<td>H. Prevention of gravel extraction</td>
<td></td>
<td></td>
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<tr>
<td>I. A drainageway for 5 or more acres of land</td>
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<td></td>
</tr>
<tr>
<td>J. Lot coverage of more than 50% impermeable surfaces</td>
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<td></td>
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<tr>
<td>K. Prime agricultural land</td>
<td></td>
<td></td>
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<tr>
<td>L. Wetlands and Marshes</td>
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<tr>
<td>M. Land elevation above 950 (U.S.G.S. Datum)</td>
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<td></td>
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<tr>
<td>N. Mapped environmental corridors</td>
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</tbody>
</table>

#### II. Water Resources

<table>
<thead>
<tr>
<th>Does the proposed project involve:</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Location within an area traversed by a navigable stream or dry run</td>
<td></td>
</tr>
<tr>
<td>B. Greater than 10% change in the capacity of a storm water storage facility or flow of a waterway within 1 mile</td>
<td></td>
</tr>
<tr>
<td>C. The use of septic tank-soil absorption fields for on-site waste disposal</td>
<td></td>
</tr>
<tr>
<td>D. Lowering of water table by pumping or drainage</td>
<td></td>
</tr>
<tr>
<td>E. Raising of water table by altered drainage patterns</td>
<td></td>
</tr>
<tr>
<td>F. Lake frontage</td>
<td></td>
</tr>
</tbody>
</table>

#### III. Biological Resources

<table>
<thead>
<tr>
<th>Does the project involve:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Critical habitat for plans and animals of community interest</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. Endangered, unusual or rare species of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Land animals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Birds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Plants</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Removal of over 25% of the present trees</td>
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</tr>
</tbody>
</table>

#### IV. Human and Scientific Interest

<table>
<thead>
<tr>
<th>Does the project site involve:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. An area of archeological interest</td>
<td></td>
</tr>
<tr>
<td>B. An area of geological interest</td>
<td></td>
</tr>
<tr>
<td>C. An area of hydrological interest</td>
<td></td>
</tr>
<tr>
<td>D. An area of historical interest</td>
<td></td>
</tr>
<tr>
<td>1. Historic buildings or monuments</td>
<td></td>
</tr>
<tr>
<td>2. Buildings or monuments of unique architecture</td>
<td></td>
</tr>
<tr>
<td>E. An area of identified community recreation use</td>
<td></td>
</tr>
</tbody>
</table>

#### V. Energy, Transportation, and Communications

| Yes | No |
A. Does the development increase the traffic flow in any collector system by more than 10%  

B. Is the development traversed by an existing or planned utility corridor? (gas, electricity, water, sewer interceptor, communications, storm sewer)

### VI. Population

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Does the development increase by more than 10% the school population of any school serving the development</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### VII. Comments on Any of the Above That may Have a Significant Environmental Impact:

### VIII. Appendices and Supporting Material:

4. **Determination of Need for Expanded Environmental Assessment.** The Environmental Assessment Checklist shall be reviewed by the Plan Commission at its next regular meeting following submittal. The Plan Commission may, at that time, for reasons stated in a written resolution setting forth specific questions on which it requires research, data and input from the developer and other affected persons, decide that the preliminary environmental assessment raises unusually significant questions of the effects on the environment and that review by other City committees and commissions is required and/or that an unusually high level of citizen interest has resulted from questions raised in a preliminary assessment. The listing of questions can include items which this ordinance already enables the Commission to obtain, or it may include additional information which is relevant to the questions specified in the resolution. The resolution may also request data on the specific impact questions from other governmental agencies or from the developer or applicant. The resolution shall set a reason-able date for the return of the requested data and information, and it may specify the format in which the data is to be presented.

5. **Hearing on Environmental Assessment Report.** Following the return to the Plan Commission of the data required in the resolution adopted under the section above, the Commission shall make such report available for scrutiny by the applicant or petitioner, by City departments, commissions and committees and by other interested persons or agencies. The Plan Commission may schedule and hold a public hearing on the findings of the report. The hearing shall be preceded by a Class I notice under Wis. Stat. Ch. 985. Persons attending such hearing shall be afforded an opportunity to comment on the report.

6. **Review.** The Plan Commission shall review the Environmental Assessment Report, with supporting data, department and committee reviews and any other data required for determining the suitability of the land for the proposed development. Within 45 days after submission to the Plan Commission of the final expanded environmental assessment report, the Plan Commission shall decide whether said land is suitable for development.

(c) **Public Facilities and Services Review.**

1. **Determination of Adequacy of Public Facilities and Services.**
   a. A certified survey, preliminary plat or final plat shall not be approved unless the Plan Commission and the Common Council determine that adequate public facilities and public services are available to meet the needs of the proposed subdivision.

   b. The applicant shall furnish any data requested by the City Engineer who shall transmit this information to appropriate City commissions, committees and boards for review and shall act as coordinator for their reports to the Plan Commission and the Common Council on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, and transportation facilities.

   c. Public facilities and public services for a proposed subdivision may be found to be adequate when the following conditions exist:
[1.] The proposed subdivision is located in an urban service area where mainline interceptor sewer service is presently under construction, or designated by the Common Council for extension of sewer service. The Plan Commission and the Common Council shall also consider the recommendations of the City Engineer and the Public Safety Committee on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.

[2.] The proposed subdivision is located within an urban service area serviced by an arterial transmission water main with adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction. The Plan Commission and the Common Council shall consider the recommendations of the City Engineer and the recommendations of the Public Safety Committee on line capacities, water sources and storage facilities as well as any other information presented.

[3.] The City Engineer, and the Public Safety Committee recommend to the Plan Commission and the Common Council that adequate facilities are available to insure the proper storm water management.

[4.] The Parks and Recreation Commission recommends that future residents of the proposed subdivision can be assured park, recreation and open space areas, facilities and services which meet the standards of the Comprehensive Outdoor Recreation Plan.

[5.] The appropriate Police Department and Fire Department verify that timely and adequate service can be provided to the residents.

[6.] The proposed subdivision is accessible by existing publicly maintained, all weather roads adequate to accommodate both existing traffic and that traffic to be gene-rated by the proposed subdivision, or necessary additional roads and road improvements are budgeted for construction with public or private financing.

[7.] Where the Plan Commission and the Common Council determine that one or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.

(2) PRELIMINARY PLAT REVIEW.

(a) Submission of Plats. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this chapter and the subdivider shall comply with the procedures of §236.11 and 236.12, Wis. Stats., and shall file an adequate number of copies of the plat and application with the City Clerk at least 25 days prior to the meeting of the Plan Commission at which action is desired. The Clerk shall transmit copies, as appropriate, to agencies specified in §236.12, Wis. Stats., and 10 copies to the Plan Commission.

(b) Review of Plats. The Plan Commission, hereby designated as approving authority for all preliminary plats, shall transmit a copy of the preliminary plat and application with the City Clerk at least 25 days prior to the meeting of the Plan Commission at which action is desired. The Clerk shall transmit copies, as appropriate, to agencies specified in §236.12, Wis. Stats., and 10 copies to the Plan Commission.

(3) PRELIMINARY PLAT APPROVAL. The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the City Clerk. If an objecting agency fails to
act within 20 days, it shall be deemed to have no objection to the plat. In addition:

(a) The Plan Commission shall, within 90 days of the date of filing of a preliminary plat with the City Clerk, approve, approve conditionally, or reject such plat unless an extension of the review period is mutually agreed upon in writing. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter of transmittal and a copy of the Plan Commission meeting minutes setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Plan Commission's permanent file.

(b) Failure of the Plan Commission to act within 90 days shall constitute an approval of the plat as filed unless the review period is extended by mutual consent.

(c) Approval or conditional approval of a preliminary plat filed prior to July 15, 1998 shall not constitute automatic approval of the final plat, except if the final plat is submitted within six months of the preliminary plat approval and conforms substantially to the preliminary plat as indicated in §236.11 (1)(b), 1995-96 Wis. Stats. the final plat shall be entitled to approval. If the final plat is submitted within 24 months after the last required approval of a preliminary plat filed with the City after July 15, 1998, the final plat shall be entitled to approval if the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval and to local plans and ordinances adopted as authorized by law. (1971 04/13/99)

(d) A variance for a preliminary plat shall be treated as provided in §18.02(5) of this Code. A subdivider submitting a preliminary plat not in compliance with this chapter shall file an application for a variance as provided in Subsection 18.02(5) of this Code, at the same time that the subdivider files the application for approval of the preliminary plat. (1971 04/13/99)

(e) Any action of the Plan Commission in approving, conditionally approving, or rejecting a preliminary plat may be appealed to the City Council, with a written request for an appeal together with a required appeal fee filed with the City Clerk within ten days after the date of the Plan Commission’s action in approving, conditionally approving, or rejecting the preliminary plat. Any such appeal shall follow the appeal procedure set forth in §17.37(5) of this code. (1971 04/13/99)

(4) FINAL PLAT REVIEW.

(a) The subdivider shall submit a final plat and a letter of application in accordance with this chapter and §236.11 and 236.12, Wis. Stats., and shall file an adequate number of copies of the plat and the application with the City Clerk at least 20 days prior to the meeting of the Plan Commission at which review is desired. In addition:

(b) The Clerk shall transmit copies, as appropriate, to agencies specified in §236.12, Wis. Stats., and shall transmit the original final plat and 10 copies to the Plan Commission. A copy shall also be submitted to each public utility affected.

(c) The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this chapter and all ordinances, rules, regulations, general plan and general plan components which may affect it, and shall recommend approval, conditional approval or rejection of the plat to the governing body.

(d) Partial Platting. The final plat may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.

(5) FINAL PLAT APPROVAL. The objecting agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

(a) Submission. If the final plat is not submitted within 6 months of the last required approval of the preliminary plat, the Council may reject the final plat in writing, with reasons given.
(b) Plan Commission Recommendation. The Plan Commission shall, within 30 days of the date of filing of the final plat with the City Clerk, recommend approval or rejection of the plat and shall transmit the final plat and application, along with its recommendations, to the Council.

(c) Notification. The Plan Commission shall, at the time it recommends approval or rejection of a plat to the Council and at least 10 days prior to any action of the Council, give notice of its recommendation to the clerk of any municipality within 1,000 feet of the plat.

(d) Council Approval or Rejection. The Council shall, within 60 days of the date of filing the original final plat with the City Clerk, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a copy of the minutes, together with a letter of transmittal shall be forwarded to the subdivider. The Council may not approve the final plat unless the City Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within 20 days or, if filed, have been met.

(e) Timely Council Action Required. Failure of the Council to take action on the plat within 60 days, and time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

(f) Consent and Waiver. Prior to the acceptance of a final plat, the subdivider shall furnish, when required by the City, a consent and waiver of the statutory provisions for special assessment for the installation of sanitary sewer, storm sewer, sewer laterals, water main, water laterals, curb and gutter, sidewalk, street surfacing, underground street lighting services and all other utilities, which will be in a form approved by the City Attorney pursuant to §66.60(18), Wis. Stats., and shall be recorded in the office of the Register of Deeds in the same manner as a lis pendens. Such consent and waiver shall provide that the installation of such services shall be made at the discretion of the Council.

(g) Recordation. After the final plat has been approved by the Council and required improvements either installed or a contract and sureties insuring their installation is filed, the City Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and shall further cause the plat to be recorded within 30 days of its approval by the Council. The subdivider shall be responsible for the recording fee.

(h) Plat Copies. The subdivider shall file 10 certified copies of the final plat with the Clerk for distribution to appropriate local agencies and offices.

(i) Filing Requirements: In addition to the filing requirements set forth §18.03(4) and this subsection (5) a final plat shall not be deemed filed with the City under this Code or under Ch. 236, Wis. Stats., until the subdivider has executed and delivered to the City Clerk a fully signed and City approved Agreement For Subdivision Improvements, together with the payment all fees required to be paid by the City Codes and by said Agreement, and all engineering plans and specifications for the public improvements have been filed with and approved by the City Engineer, including, but not limited to, site grading, erosion control, stormwater management, streets, curb and gutter, sidewalks and other public improvements required by Ch. 18 of the City Code. The City Council may by resolution accept the filing of a final plat conditioned upon the subdivider subsequent filing of the documentation required by this subsection. (2178 01/25/05)

(6) REPLAT. When it is proposed to replat a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in §236.40 through 236.44, Wis. Stats. The subdivider or person wishing to replat shall then proceed as specified in §§(1) through (3) above. Court vacations of plats are required when areas dedicated to the public are altered. The Clerk shall schedule, within the time period specified in sub. (3) above for the Plan Commission to take action upon the plat, a public hearing before the Plan Commission when a preliminary plat or a replat of lands within the City is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed re-plat. (1909 06/11/97)

(7) MINOR LAND DIVISIONS. (1909 06/11/97)
(a) All minor land divisions shall be subdivided by use of a certified survey map. The owner or subdivider shall prepare the certified survey map in accordance with this chapter and shall file 10 copies of the map and the letter of application with the Clerk at least 15 days prior to the meeting of the Plan Commission at which action is desired. (1909 06/11/97)

(b) The Clerk shall, within 2 working days after filing, transmit the copies of the map and letter of application to the Plan Commission.

(c) The Plan Commission shall transmit a copy of the map to all affected boards, commissions, departments, and all affected public utility companies for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 10 days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, general plan and general plan components that affect it. If the proposed land division does not involve the dedication of streets or other public lands to the City, or the granting of a variance, the Plan Commission shall approve, conditionally approve, or reject the map as provided in §18.06 of this code. If a map is rejected by the Plan Commission, the reason(s) shall be stated in the minutes of the meeting and a written statement supplied to the subdivider upon request. (1971 04/13/99)

(d) If a proposed land division involves the dedication of streets or other public lands as the granting of a variance, the Plan Commission shall recommend approval, conditional approval, or rejection of the map and shall transmit the map along with its recommendations to the Council. The Council shall approve, conditionally approve, or reject such map within 90 days from the date of the filing of the map. If the map is rejected by the Council, the reason shall be stated in the minutes of the meeting and a written statement supplied to the subdivider upon request. Minor land division variances shall be granted or denied as provided in §18.02(5) of this Code. (1963 12/22/98, 1971 04/13/99)

(e) Recordation. The City Clerk shall record the map with the County Register of Deeds within 10 days of its approval. The subdivider shall be responsible for the recording fee.

(f) Copies. The subdivider shall file 10 certified copies of the certified survey map with the Clerk for distribution to appropriate local agencies and offices.

(8) EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. (1909 06/11/97)

(a) Compliance Required. No person, firm or corporation shall divide any land located within the extra-territorial plat approval jurisdiction of the City of Baraboo which shall result in a subdivision, minor land division or re-plat as defined herein without complying with the applicable provisions of Ch. 236, Wis. Stats., the provisions of this subsection and to the fullest extent allowed by Ch. 236, Wis. Stats., to the requirements of this chapter.

(b) Application Required. When the land to be subdivided lies within the City’s extraterritorial plat approval jurisdiction, the subdivider shall proceed as specified in this subsection.

(c) Extraterritorial Land Division Requirements. No subdivision or minor land division within the City’s extraterritorial plat approval jurisdiction shall be approved by the Plan Commission or the Common Council which does not satisfy each of the following requirements:

1. Each subdivision or minor land division shall comply with the minimum lot size requirements set forth in sub§18.02(8) of this chapter. (1963 12/22/98)

2. No subdivision or minor land division shall be considered for approval which does not have the prior approval by the approving authority for the town(s) where required by town and county ordinances or by the Wisconsin Statutes. (2248 02/13/2007)

3. The Plan Commission and/or City Council may require placement of covenants or deed restrictions that are deemed necessary and appropriate to protect the purpose and intent of the City’s Master Plan and this chapter. Any such restrictions or covenants shall be recorded.
4. All subdivisions and minor land divisions shall be required to meet the design standards of §18.07 and the required improvements of §18.08 of this chapter, where applicable, unless town or county ordinances control.

5. Each subdivision or minor land division shall comply with the applicable provisions of Ch. 236, the Master Plan of the City of Baraboo, and with the provisions of this chapter.

(d) Incorporation of Official Map. The boundaries of the City's Extraterritorial Plat Approval Jurisdiction as shown on the map entitled the “Official Map of City of Baraboo Extraterritorial Plat/Land Division Approval Division” dated (one day after publication), which map is on file in the office of the City Engineer and is incorporated herein by reference. This map shall be deemed amended to extend or expand the boundaries of the City's extraterritorial plat approval jurisdiction as new lands are annexed to the City to the fullest extent authorized by applicable law.

18.04 PRELIMINARY PLAT. 
(1) GENERAL REQUIREMENTS. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor. The plat shall be prepared on tracing cloth, reproducible drafting film or paper of good quality at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(a) Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously recorded plat within Sauk County unless it is an addition to a previously recorded plat and is so stated on the plat.

(b) Property location of a proposed subdivision by government lot, quarter section, township, range, county, and State.

(c) Date, graphic scale and north arrow.

(d) Names and addresses of the owner, subdivider and land surveyor preparing the plat.

(e) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.

(2) PLAT DATA. All preliminary plats shall show the following:

(a) Length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.

(b) Existing contours at vertical intervals of not more than 2 feet where the slope of the ground surface is less than 10% and of not more than 5 feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on U.S.G.S. datum.

(c) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to U.S.G.S. datum.

(d) Flood plain limits and the contour line lying a vertical distance of 2 feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, 5 feet above the elevation of the maximum flood of record.

(e) Location, right of way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights of way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

(f) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to U.S.G.S. datum.

(g) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.

(h) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electrical and communication facilities, whether aerial or underground, and the location and size of any existing water and gas mains with the exterior boundaries of the plat or
immediately adjacent to the tract, thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size and invert elevations.

(i) Locations of all existing property boundary lines, corporate limit lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural or manmade features within the tract being subdivided or immediately adjacent thereto.

(j) Setbacks or building lines if required by the Plan Commission in accordance with the guidelines set forth in §18.07(7) of this chapter. (1963 12/22/98)

(k) Location, width and names of all proposed streets and public rights of way such as alleys and easements.

(l) Approximate dimensions of all lots together with proposed lot and block numbers.

(m) Location and approximate dimensions and size of any sites within the plat to be reserved or dedicated for parks, open space, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other private uses not requiring lotting.

(n) Approximate radii of all curves.

(o) Existing zoning on and adjacent to the proposed subdivision.

(p) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

(q) Any proposed lake and stream improvement or relocation.

(3) GRADING PLANS AND PROFILES. The Plan Commission, upon recommendation of the City Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon U.S.G.S. datum, and plans and profiles shall be of sufficient detail to determine that streets will conform to the grade of existing streets or their extension or to the established grades of future streets and shall be subject to the approval of the City Engineer.

(4) TESTING. The City Engineer may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depths to bedrock and depth to groundwater table. Where the subdivision will not be served by central sanitary sewer service, the provisions of Wis. Adm. Code H65 shall be complied with and the appropriate data submitted with the preliminary plat.

(5) COVENANTS. The Plan Commission may require submission of a list of existing covenants and a list of covenants with which the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

(6) AFFIDAVIT. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.

18.05 FINAL PLAT.

(1) GENERAL REQUIREMENTS. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of §236.20, Wis. Stats.

(2) ADDITIONAL INFORMATION. The plat shall show correctly on its face, in addition to the information required by §236.20, Wis. Stats., the following:

(a) Exact length and bearing of the centerline and center line curves of all streets.

(b) Exact street width along the right of way line of any obliquely intersecting street.

(c) Railroad rights of way within and abutting the plat.

(d) Setbacks or building lines, if required by the Plan Commission, in accordance with the guidelines set forth in §18.07(7) of this chapter.

(e) Utility and/or drainage easements.

(f) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

(g) Special restrictions required by the Plan Commission relating to access control along public ways, delineation of floodland limits, or to the provision of planting strips.

(3) DEED RESTRICTIONS. The Plan Commission may require that deed
restrictions imposed by the subdivider be filed with the final plat.

(4) PLAT RESTRICTIONS. The Plan Commission may require that plat restrictions intended to reflect City plans and ordinances be placed on the face of the plat.

(5) SURVEY ACCURACY. The City Engineer shall examine all final plats within the City and may make, or cause to be made by a registered land surveyor under the supervision or direction of the City Engineer, field checks for the accuracy and closure of survey, the proper kind and location of monuments and the legibility and completeness of the drawing. In addition:

(a) Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 5,000, nor in azimuth, 4 seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

(b) All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one part in 3,000, or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of 1½ minutes multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed 5 minutes of arc.

(6) RELOCATED QUARTER CORNERS. Where the plat is located within a quarter section, the corners of which have been relocated, monumented, and coordinated by the County, the tie required by §236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin State plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

(7) COUNCIL REVIEW. The Council shall receive the results of the City Engineer and the State's examination prior to approving the final plat.

(8) SURVEYING AND MONUMENTING. All final plats shall meet all the surveying and monumenting requirements of §236.15, Wis. Stats.

(9) STATE PLANE COORDINATE SYSTEM. All plats shall be tied directly to a section or quarter corner monumented according to the State Plane Coordinate System. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State plane coordinates of the monument marking the section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure specified in sub. (5) above for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone.

(10) CERTIFICATES. All final plats shall provide all the certificates required by §236.21, Wis. Stats. and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter. The subdivider's certificate shall be fully executed prior to Council approval.

(11) RECORDATION. The final plat shall be recorded with the County Register of Deeds only after the certificates of the Director of the Planning Function in the Wisconsin Department of Development, of the Council, of the surveyor and those certificates required by §236.21, Wis. Stats., are placed on the face of the plat. The City Clerk shall record the plat within 10 days of its approval by the Council. The subdivider shall, however, be responsible for the payment of the recording fee.

(12) DUPLICATE PLAT TO BE FILED. An identical reproducible copy, on stable drafting film at least 4 mils thick, along with the recording data, shall be placed on file with the City Engineer.
minor subdivision shall comply with the design standards and improvement requirements set forth in §18.07 and 18.08 of this chapter.

(2) REQUIRED INFORMATION. The map shall show correctly on its face, in addition to the information required by §236.34, Wis. Stats., the following.

(a) All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.

(b) Setbacks or building lines if required by the Plan Commission in accordance with the guidelines set forth in §18.07(7) of this chapter.

(c) Utility and/or drainage easements.

(d) All lands reserved for future acquisition.

(e) Date of the map.

(f) Flood plain limits and the contour line lying a vertical distance of 2 feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, 5 feet above the elevation of the maximum flood of record.

(g) Graphic scale and north arrow.

(h) Name and address of the owner, subdivider, and surveyor.

(3) STATE PLANE COORDINATE SYSTEM. All plats shall be tied directly to a section or quarter corner monumented according to the State Plane Coordinate System. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State plane coordinates of the monument marking the section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure specified in sub. (5) above for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be references to the Wisconsin Coordinate System, South Zone.

(4) CERTIFICATES. The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter. After reviewing the map, the Plan Commission shall certify its approval on the face of the map; however, when the certified survey map involves the dedication of streets or other public lands, the certified survey map shall be acted upon by the Council. After receiving approval by the appropriate body, such maps shall be certified by the Mayor, the City Clerk and the City Engineer. In addition, dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by §236.21(2)(a), Wis. Stats.

(5) APPROVAL. No certified survey map shall be approved by the Plan Commission or the Council until all required improvements have been installed and until all required fees have been paid unless provision for the installation of improvements and payment of fees has been made in an approved subdivider's agreement.

(6) RECORDATION. The certified survey map shall only be recorded with the County Register of Deeds after the certificates of the Plan Commission or Council and the surveyor are placed on the face of the map. The City clerk shall record the map within 10 days of its approval by the Plan Commission or Council.

(7) APPEAL. Any action of the Plan Commission in approving, conditionally approving, or rejecting a certified survey map may be appealed to the City Council, with a written request for an appeal together with a required appeal fee filed with the City Clerk within ten days after the date of the Plan Commission’s action in approving, conditionally approving, or rejecting the certified survey map. Any such appeal shall follow the appeal procedure set forth in §17.37(5) of this code. (1971 04/13/99)

18.07 DESIGN STANDARDS.

(1) STREET ARRANGEMENT. In any new subdivision plat or certified survey map, the street layout shall conform to the arrangement, width and location indicated on the Official Map or General Plan of the City. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

(a) Arterial Streets. Arterial streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(b) Collector Streets. Collector streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway

18-19
system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.

(c) Local Streets. Local streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.

(d) Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

(e) Arterial Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage with screen planting or an earth berm contained in a non-access reservation along the rear or side property line, or by the use of frontage streets.

(f) Stream or Lake Shores. Stream or lake shores shall have a minimum of 60 feet of public access plat-ted to the low water mark at intervals of not more than 1/2 mile as required by §236.16(3), Wis. Stats.

(g) Reserve Strips. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Council under conditions approved by the Plan Commission.

(h) Alleys. Alleys shall be provided in commercial and industrial areas for off-street loading and service access if required by the Plan Commission, but shall not be approved in residential districts. Dead end alleys shall not be approved. Alleys shall not connect to a major thoroughfare.

(i) Street Names. Street names shall not duplicate or be similar to existing street names elsewhere in the City and environs, and existing street names shall be projected wherever possible.

(2) LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT OF WAY TREATMENT. Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right of way, the design shall provide the following treatment:

(a) When lots within the proposed subdivision back upon the right of way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth and/or an earth berm shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip is reserved for the planting of trees and shrubs, the building of structures and placement of longitudinal easements for utilities hereon is prohibited."

(b) Commercial and industrial properties shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.

(c) Streets parallel to a limited access highway or railroad right of way, when intersecting an arterial street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right of way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(d) Local streets immediately adjacent and parallel to railroad rights of way shall be avoided and location of local streets immediately adjacent to arterial streets and highways and to railroad rights of way shall be avoided in residential areas.

(3) STREET DESIGN STANDARDS.

(a) The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the General Plan, General Plan Component or Official Map of the City, or if no width is specified therein, the minimum widths shall be as shown in Table 1 below. Cross sections for freeways, express-ways, and parkways shall be based upon detailed engineering studies.
Table 1
Recommended Minimum Cross Sections
Baraboo, Wisconsin

<table>
<thead>
<tr>
<th>System</th>
<th>Right-of-Way Width in Feet</th>
<th>Pavement Width in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>Desirable – 80</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>Minimum – 66</td>
<td></td>
</tr>
<tr>
<td>Collector</td>
<td>66</td>
<td>35, No Parking One Side</td>
</tr>
<tr>
<td>Local</td>
<td>66</td>
<td>35</td>
</tr>
</tbody>
</table>

(b) Cul de sac streets designed to have one end permanently closed shall not exceed 600 feet in length. All cul de sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right of way radius of 66 feet and a minimum outside curb radius of 40 feet.

(c) Street Grades. Unless necessitated by exceptional topography subject to the approval of the Plan Commission the maximum center line grade of any street or public way shall not exceed the following:
1. Arterial Streets. 6%
2. Collector Streets. 8%
3. Local Streets, Alleys, and Frontage Streets. 10%
4. Pedestrian Ways. 12%, unless steps of acceptable design are provided.
5. The grade of any street shall in no case exceed 12% or be less than ½ of 1%.

(d) 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 topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for all major streets, and 1/2 this minimum for all other streets.

(e) Radii of Curvature. When a continuous street center line deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said center line of not less than the following:
1. Arterial Streets and Highways. 500 feet.
2. Collector Streets. 300 feet.
3. Local Streets. 100 feet. A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

(f) Half Streets. Where, on the date of original enactment of this chapter, an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of half streets is not permitted.

(4) STREET INTERSECTIONS. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:
(a) The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than 2.
(b) The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,000 feet.
(c) Intersections on local streets shall be offset at least 125 feet measured from the centerlines of the 2 streets.
(d) Property lines at street intersections shall be rounded with a minimum radius of 15 feet or of a greater radius when required by the Plan Commission, or shall be terminated by a straight line through the points of tangency of an arc having a radius of 15 feet.
(e) Local streets shall not necessarily continue across arterial or collector streets; but, if the center lines of such local streets approach the major streets from opposite sides within 300 feet of each other, measured along the center line of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the arterial or collector street is continuous; and a jog is avoided.

(5) BLOCKS. The widths, lengths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of topography. In addition:
(a) The length of blocks in residential areas shall not, as a general rule, be less than 400 feet nor more than 1,200 feet in length unless otherwise dictated by
exceptional topography or other limiting factors of good design.

(b) Pedestrian ways are generally not desired and should be avoided; however, pedestrian ways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.

(c) The width of blocks shall be wide enough to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

(d) Utility easements. See §18.07(9) of this chapter.

(6) LOTS. 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. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

(a) Side lot lines shall be approximately right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(b) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(c) Every lot shall front or abut for a distance of at least 30 feet on a public street.

(d) Area and dimensions of lots shall conform to the requirements of the Zoning Code, except the sub-division or minor land division of property located in the City's extraterritorial plat review jurisdiction pursuant to §236.10, Wisconsin Statutes, shall conform to the minimum lot size requirements of §18.02(8). The type, design, installation and maintenance of a private sanitary system, where approved, shall meet the requirements of all state and local codes and regulations. Whenever a tract is sub-divided into large parcels, each parcel shall be arranged and dimensioned as to allow re-subdivision of any such parcels into normal lots in accordance with the provisions of this chapter. (1909 06/11/97, 1963 12/22/98, 2261 06/12/2007)

(e) Depth of lots shall be a minimum of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of 2:1 shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.

(f) Width of lots shall conform to the requirements of the Zoning Code.

(g) Corner lots shall have an extra width of 10 feet to permit adequate building setbacks from side streets.

(h) Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.

(7) BUILDING SETBACK LINES. Where not controlled by zoning regulations, building setback lines, appropriate to the location and type of development contemplated, shall be established as may be required by the Plan Commission.

(8) ELECTRICAL AND COMMUNICATIONS UTILITIES.

(a) All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, community antenna television cables and services, installed within a newly platted residential area, mobile home park or planned residential development shall be underground unless the Plan Commission shall specifically find, after study, that:

1. The placing of such facilities underground would not be compatible with the planned development, or
2. Location, topography, soil, stands of trees or other physical conditions would make underground installation unreasonable or impracticable, or

3. The lots to be served by said facilities can be served directly from existing overhead facilities.

(b) Associated equipment and facilities which are appurtenant to underground electric and communications systems such as, but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes may be located above ground.

(c) The subdivider or his agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to approval of the final plat or certified survey map.

(d) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed, subject to any exception permitted by the Plan Commission under subpar. (a)(1), 2. and 3. above.

All aerial facilities for new electric distribution lines (excluding lines of 15,000 volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, community antenna television cables and services, installed subsequent to the approval of this chapter shall be placed in utility easements within a newly platted residential area, Mobile Home Park or planned residential development, unless waived by the Plan Commission.

(9) EASEMENTS.

(a) Electrical and Communication Facilities.

1. Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines, across lots or along front lot lines where necessary, for the installation of electric and communications facilities.

Such easements shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map.

2. Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within 6 inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt or construction materials shall not be stored on such easement areas.

3. Where the electric and/or communications facilities are to be installed underground a note shall be placed on the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than 6 inches by the subdivider, his agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved.

(b) Distribution gas mains and appurtenances, except service laterals, shall be installed in street right of way, normally in the area between sidewalk and curb. However, the Plan Commission may, at the request of the utility, or where deemed necessary or desirable, require easements of adequate width for the intended purpose along lot lines or across lots for such installations and such easements shall be noted on the final plat or certified survey map as "Utility Easements.

(c) Drainage Easements. §§ (12) through (15), below. (2045 01/09/2001)

(10) DEDICATION AND RESERVATION OF LAND.

(a) In order that adequate open spaces and sites for other public purposes may be properly located and reserved and in order that the cost of providing public areas, such as, but not limited to parks, recreation areas, and other public lands, including public schools, may be equitably apportioned on the basis of additional need created by the subdivision

18-23
development, each subdivider shall be required to reserve land, dedicate land, or pay fees in lieu of land for park or other public uses. Each subdivider of land in the City shall, at the discretion and direction of the Plan Commission, either dedicate lands designated on the City’s adopted Comprehensive Plans, Official Map, or adopted plan components or reserve such future public land, where no proposed public lands are directly involved, or pay a park fee in lieu of dedication. (2144 03/09/04)

(b) The Plan Commission shall, at the time of reviewing a preliminary plat, condominium plat, or Certified Survey Map, select the land dedication option, fees in lieu of land option, or reservation of additional land option and shall record such selection in the minutes of the meeting at which the preliminary plat, condominium plat, or Certified Survey Map is presented for approval. (1640 01/28/92, 2144 03/09/04)

c) In the design of a subdivision, condominium development, or other land division, provision shall be made for suitable sites of adequate areas for schools, parks, playgrounds, open spaces, drainageways, and other public purposes. Such sites shall be shown on the preliminary plat, final plat, or condominium plat and shall comply with the City’s Master Plan, Official Map, or component of adopted plans. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities. (2144 03/09/04)

d) All subdividers shall be required to dedicate developable land to the City for park or other public open space or recreational uses, other than streets or drainageways, in an amount equal to 5% of the total area proposed to be subdivided, including lots, public street rights-of-way, detention basins, and drainageways, or, in the alternative, one acre of land for each 25 proposed dwelling units, whichever is greater. Where a definite commitment has been made by the subdivider and City on the number of dwelling units to be provided in the subdivision or development, the dedication shall be based on that number. Where no such commitment exists, the dedication shall be based on the maximum number of dwelling units the subdivision will support, exclusive of open space and other public lands. Drainageways, detention basins, wetlands, watercourses, and areas reserved for streets shall not be considered as satisfying land dedication requirements. Whenever a proposed playground, park, or other public open space or recreation area, other than streets or drainageways, designated in the Master Plan, Official Map, or Master Plan component of the City is embraced, all or in part, in the tract of land to be subdivided or platted, these lands shall be made part of the required land dedication. The Plan Commission shall determine the suitability and adequacy of lands proposed for dedication. Lands dedicated for public purposes shall be deeded to the City at the time the plat, Certified Survey, or condominium is approved. All dedicated lands shall have frontage on a public street and shall have unrestricted public access. The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of the dedicated lands where such services are to be provided to the adjacent properties. (2144 03/09/04)

e) When parklands or other public lands are dedicated, the developer is required to:

1. Properly grade and contour for proper drainage; and
2. Provide a surface contour suitable for anticipated use of the area; and
3. Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the City Engineer, fertilize with 16-6-6 at the rate of 7 pounds per 1,000 square feet and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. The City may require certification of compliance by the City Engineer.

(f) Where, in the opinion of the Plan Commission, there is no land suitable for parks or other public open space or recreational uses within the proposed development or where the dedication of land would not be compatible with the City’s Master Plan or Park Plan, or where the Plan Commission determines that a cash contribution would better serve the public interest, the Plan Commission shall...
direct that the developer contribute a payment to the City in lieu of land. This payment shall be determined as provided in §18.07(11). Where a lot or parcel for which payment has once been made is further developed, payment shall be required only for the additional residential dwelling units created. The Plan Commission shall determine whether the developer shall be required to dedicate land or pay a fee in lieu of land dedication. Where the land dedicated to the City contributes less than the full amount required by Subsection (d), the park fee provided by §18.07(11) for each residential dwelling unit shall be reduced by a proportionate amount. The Plan Commission shall also determine the location of sites dedicated to such public uses and the types of uses to which such sites shall be put. In making these determinations, consideration shall be given to the needs of the community in general and of the residents of the proposed development. Consideration shall also be given to the feasibility and practicality of requiring the land dedication and whether the dedication is compatible with the City’s Master Plan, zoning regulations, and existing and planned public sites and facilities. (2144 03/09/04)

(g) Land Abutting Lakes and Streams. Whenever feasible, all public access to the low watermark of navigable lakes and streams required by §236.16(3), Wis. Stats., shall be at least 100 feet wide and contain land characteristics acceptable to the Plan Commission. The land lying between the meander line established in accordance with §236.20(2)(g), Wis. Stats., and the water’s edge, and any otherwise undevelopable lands which lie between a proposed development and the water’s edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be developed and which abut a lake or stream as provided in §236.16(4), Wis. Stats. (2144 03/09/04)

(11) PARK FEES. (1640 01/28/92, 1699 08/17/93, 2144 03/09/04)

(a) Fees for Plats or Maps approved before March 15, 2004. All persons subdividing or platting land, including minor land divisions and condominium plats where the final plat or Certified Survey Map was approved and recorded prior to March 15, 2004, for residential purposes within any zoning district within the City shall pay a park fee to the City for each residential dwelling unit as follows: $200.00 per single-family dwelling $300.00 per two-family dwelling $100.00 per each multi-family dwelling.”

(b) Fees for Plats or Maps approved after March 15, 2004. Pursuant to Public Facilities Needs Assessment Report for Park Facilities Improvements and Park Land Fee In Lieu of Land Dedication Report prepared by the City, all persons subdividing or platting land, including minor land divisions and condominium plats where the final plat or Certified Survey Map was approved and recorded after March 15, 2004, for residential purposes, in any zoning district within the City shall pay a park fee to the City for each residential dwelling unit as follows:

$664.00–for each dwelling unit For Community-Based Residential Facilities (CBRFs) the fee shall be $664.00 for every three proposed dwelling units within the plat.

(c) Payment of Fees. Park fees under this Section shall be paid to the City at the time an application is filed for a Building Permit as provided in §17.50 of the Zoning Code or for a Type 1 Manufactured Home Park at the time a manufactured home is placed for occupancy. All park fees collected under the provisions of this Section shall be placed in a nonlapsing special fund for City parks and shall be separate from the City’s General Fund and this special fund shall be used exclusively for the acquisition and development of parks, recreation, and other open space areas.

(12) DRAINAGE AND GREENWAY / ENVIRONMENTAL CORRIDOR EASEMENTS. Where a subdivision is traversed by a waterway, drainageway, channel or stream, or mapped Greenway/Environmental Corridor, an adequate drainageway or easement shall be provided as required by the Plan Commission conforming substantially with the line of such watercourse. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan
Commission. Parallel streets or parkways may be required. Storm water drainage shall be maintained by landscaped open channels of adequate size and grade to accommodate the flow resulting from the 100 year rainfall event of any duration, such sizes and design details to be subject to review and approval by the City Engineer. (2045 01/09/2001)

(13) EROSION CONTROL. The subdivider shall employ erosion control measures to prevent erosion, siltation, sedimentation, and washing and blowing of dirt and debris from excavation, grading, open cuts, side slopes and related activities of the subdivider or contractors. Such measures shall include, but not be limited to, seeding, sodding, mulching, watering, ponding, and the construction of berms. Erosion Control plans shall meet the requirements of Ch. 14, Subchapter II, Site Construction Code and Ch. 14, Subchapter IV, Storm-water Management. Guidelines, standards and specifications contained in the Soil Conservation Service publication "Minimizing Erosion in Urbanizing Areas", shall provide a framework for the development, review and implementation of the erosion control plan. (2045 01/09/2001)

(14) INTRA-BLOCK DRAINAGE AND FOUNDATION DESIGN. (2045 01/09/2001)
(a) At least three weeks prior to submittal of final plat for review and approval, the subdivider shall submit to the City Engineer a Surface Water Drainage Plan for the plat. This plan may be part of the Erosion Control Plan, the plan shall indicate but not be limited to the following: elevation of streets, existing topography of the block, proposed drainage swales, and indication of the direction of drainage.

(b) Upon approval of the plan, the developer shall place on the final plat arrows to indicate the direction of drainage swales required for intra-block drainage and the following note: "Arrows indicate direction of drainage swale construction during grading and said swales shall be maintained by the lot owner unless modified with approval of the City Engineer."

(c) A minimum of 10 foot wide drainage easement (5 feet on each side of the property line) shall be retained along all joint property lines on the plat. Such easement shall be designated as a stormwater drainage easement, and shall conform to the drainage plan.

(d) Where a subdivider's subsoil investigation indicates potential for groundwater less than ten (10) feet from the proposed street center line elevation, the subdivider shall so note on the face of the plat and indicate the lots affected.

(15) STORMWATER MANAGEMENT. (2045 01/09/2001)
(a) The following goals and objectives shall apply to stormwater management:
1. To prevent significant loss of life and property due to runoff from any foreseeable rainfall event.
2. To encourage the design of systems which minimize potential erosion and sedimentation problems.
3. To maintain the water quality of the lake, streams and ponds.
4. To encourage the design of systems which respond to the need to maintain or enhance ground water resources, including ground water quality, except where land stability might be impaired.
5. To encourage the design of systems which will reduce capital and environmental costs to the community.

(b) At the time a preliminary plat, a certified survey, or a planned development is submitted to the Plan Commission for approval, the developer or subdivider shall prepare a study of the drainage basin of the area in which the proposed development is located. The study shall include the design, routing and estimated construction cost of a storm water management system to serve the site and/or drainage basin of the area in which the proposed development is located.

(c) The proposed development shall not increase stormwater runoff (peak) from that which would have resulted from the same storm occurring over the site with the land in its natural undeveloped state, for storms of a 24 hour duration and all reoccurrence intervals of less than or equal to 100 years. In the case of closed drainage basins, which have no outlets during normal rainfall, the volume of runoff resulting from a ten (10) year storm of 24 hour duration.
shall not be greater after development than when the land was in its natural undeveloped state.

(d) Land in its natural undeveloped state shall mean land which has runoff characteristics equivalent to runoff Curve Numbers (CN) of 30, 58, 71, and 78 for Hydrologic Soil Groups A, B, C, and D, respectively.

e) Determination of storm volumes shall be computed by established procedures equivalent to and calibrated against that procedure promulgated by the United States Soil Conservation Service in its National Engineering Handbook or the technical publication entitled "Urban Hydrology for Small Watersheds, TR-55," and accepted by the City Engineer.

(f) Design of stormwater management facilities shall be in accordance with this ordinance and Ch. 14, Subchapter IV, Stormwater Management, and subject to the approval of the Public Safety Committee. Stormwater peaks and volumes shall be addressed either through onsite detention, retention, infiltration, or a combination. It is the intent of these provisions to encourage onsite detention and infiltration to the greatest extent possible.

16. DEBRIS AND WASTE: No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a Certificate of Occupancy for any lot within the subdivision, and removal of such items and materials shall be required prior to the issuance of any Certificate of Occupancy on any subdivision lot. By the date specified in the Subdivider’s Agreement or by the date of dedication of public improvements within the subdivision, whichever is sooner, all lands within the subdivision shall be subject to the following conditions: (2045 01/09/2001)

(a) None of the items and materials described above shall be left or deposited in any area of the subdivision.

(b) All lots shall be graded in accordance with the subdivision grading plan and no piles of dirt shall be allowed.

(c) All lands shall be seeded so as to prevent erosion and the owner of each lot or outlot within the subdivision shall keep his/her lot mowed and in compliance with the City’s weed control ordinances.

17. LIBRARY FEES. (2207 09/13/2005)

(a) Fees for Plats or Maps approved after September 13, 2005. All persons subdividing or platting land, including minor land divisions and condominium plat where the final plat or Certified Survey Map is approved and recorded after September 13, 2005, for residential purposes, in any zoning district, and all persons seeking a building permit for new residential construction after September 13, 2005, such lands being located within the City shall pay a library fee to the City for each residential dwelling unit in the amount of $415.00.

(b) Payment of Fees. Payment of library fees under this Section shall be paid to the City at the time an application is filed for a Building Permit as provided in §17.50 of the Zoning Code or for a Type 1 Manufactured Home Park at the time a manufactured home is placed for occupancy. All library fees collected under the provisions of this Section shall be placed in a non-lapsing special fund for the Baraboo Public Library and shall be separate from the City’s General Fund and this special fund shall be used exclusively for the construction, expansion or improvement of the Baraboo Public Library, and as provided for in §66.0617(1)(a), Wis. Stats.

(c) Impact fees that are imposed and collected but not used prior to December 31, 2025, for the payment of capital costs associated with library expansion shall be refunded to the current owner of the property with respect to which the impact fees were imposed.

(d) Appeals Procedure. Any person believing that the Library Impact fee has been improperly assessed shall have a right to review and appeal pursuant to Ch. 6 of the Code of Ordinances.

18.08 REQUIRED IMPROVEMENTS.

(1) SURVEY MONUMENTS. The subdivider shall install survey monuments placed in accordance with the requirements of §236.15, Wis. Stats., and as may be required by the City Engineer.
(2) GRADING. After the installation of temporary block corner monuments by the subdivider, establishment of street grades by the City Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the City Engineer. The subdivider shall grade the roadbeds in the street rights of way to subgrade together with side slopes beyond the street right of way when required. Cut and filled lands shall be graded to a maximum slope of 3:1 or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.

(3) SURFACING. After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by this section and the General Plan or General Plan components of the City. Said surfacing shall be done in accordance with plans and standard specifications approved by the City Engineer. Existing roadways which do not meet City specifications shall be improved by the subdivider before they will be accepted by the City. The cost of surfacing in excess of 36 feet in width that is not needed to serve the needs of the subdivision shall be borne by the City. The cost of surfacing major streets in excess of 36 feet shall be borne by the City.

(4) CURB AND GUTTER. After the installation of all public utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the City Engineer. This requirement may be waived where a permanent rural section has been approved by the community. Wherever possible, provisions shall be made at the time of construction for driveway access curb cuts. The cost of installation of all inside curbs and gutters for dual roadway pavements shall be borne by the community unless the developer elects this type of road.

(5) STREET CROSS SECTIONS. When a permanent rural street section has been approved, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the City Engineer.

(6) SIDEWALKS. (a) The subdivider shall construct a sidewalk on one side of all frontage streets and both sides of all other streets within the subdivision. The Plan Commission may permit the construction of a sidewalk on only one side of local streets that serve lots having fronting on said street and may waive the construction of sidewalks on collector and local streets that serve lots having an average width of 150 feet or more fronting on said streets. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the City Engineer.

(b) Wider than standard sidewalks may be required by the City Engineer in the vicinity of schools, commercial areas and other places of public assemblage; and the Plan Commission may require the construction of sidewalks in locations other than required under the preceding provision of this chapter if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

(7) PUBLIC SANITARY SEWERAGE. The subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision or minor land division. Such facilities shall be designed and constructed in accordance with applicable rules and regulations of Wis. Adm. Code, and in accordance with plans and standard specifications approved by the City Engineer. In addition: (1949 09/08/98)

(a) Lateral. The Council shall require the installation of sewer laterals to the street lot line, where practical.

(b) Specifications. The location, size, type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with the City sanitary sewer system plan.

(c) Oversized Sanitary Sewer Mains. All sanitary sewer mains in excess of 8 inches in diameter within or abutting the subdivision shall be constructed by the City and the subdivider shall share in the cost thereof, as provided in sub. (10) below.

(d) Sanitary Sewer Mains Traversing or Bordering Other Lands. If it is necessary to traverse any unimproved land or to install sanitary sewer mains in a street bordering the subdivision to serve the subdivision with sanitary sewer, the City may install such sanitary sewer mains and the subdivider shall pay the total cost thereof. The City shall
reimburse the subdivider to the extent that special assessments can be levied; however, in the event special assessments are deferred, the subdivider shall be reimbursed when the special assessments are paid or when installation payments commence.

(1963 12/22/98)

(e) Lift Stations. In the event a lift station is required to serve the subdivision and other lands or the minor land division and other lands, it shall be constructed by the Subdivider in accordance with the City's Sanitary Sewer System Plan. The subdivider shall pay the cost of the lift station and associated forced main. The City shall reimburse the Subdivider to the extent that special assessments can be levied; however, in the event that special assessments are deferred, the Subdivider shall be reimbursed when the special assessments are paid.

(1949 09/08/98)

(8) WATER SUPPLY FACILITIES. The subdivider of land within the sanitary sewer service area of the City shall cause water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision or minor land division. The subdivider of land outside the sanitary sewer service area shall make provision for adequate private water systems in accordance with the standards of the Wisconsin Department of Industry, Labor and Human Relations. In addition:

(a) Laterals. The Council shall require the installation of water laterals to the street lot line, where practical.

(b) Specifications. The location, size, type and installation of all public water mains proposed to be constructed shall be in accordance with the comprehensive water plan for the City and with plans and standard specifications approved by the City Engineer.

(c) Oversized Water Mains. All water mains in excess of 8 inches in diameter in single-family and 2-family residential development areas and larger than 12 inches in diameter in other use development areas within or abutting the subdivision shall be constructed by the City and the subdivider shall share in the cost thereof, as provided in sub. (9) below.

(d) Water Mains Traversing or Bordering Other Lands. If it is necessary to traverse other unimproved land or to install water mains in a street bordering the subdivision to serve the subdivision with water, the City may install such water mains and the subdivider shall pay the total cost thereof. The City shall reimburse the subdivider to the extent that special assessments can be levied; however, in the event special assessments are deferred, the subdivider shall be reimbursed when the special assessments are paid or when installment payments commence.

(9) OVERSIZED SEWER AND WATER MAINS.

(a) Mains Within or Abutting Subdivisions. All sewer mains in excess of 8 inches, and all water mains in excess of 8 inches in single-family and 2-family residential development areas and larger than 12 inches in diameter in other use development areas within or abutting the subdivision shall be constructed by the City. The subdivider shall pay the City the cost of an 8 inch equivalent sewer main and an 8 inch or 12 inch equivalent water main, respectively, plus the subdivision's share of said oversizing costs, as determined by dividing the total acreage benefited by the acreage of the subdivision benefited. A special assessment for the remainder of said oversizing costs shall be levied on other lands benefiting from the oversizing.

(b) Mains Located Outside of Subdivision. In the event that oversized sewer or water mains are constructed outside the subdivision that benefit the subdivision, the subdivider shall pay the City the subdivision's share of such oversizing, as determined in the same manner as provided in par. (a) above.

(10) STORM WATER DRAINAGE FACILITIES.

(a) The subdivider shall construct storm water drainage facilities which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; the type of facility required, the design criteria and the sizes and grades to be determined by the City Engineer. Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type and installation of all storm water drains and sewers proposed
to be constructed shall be in accordance with the plans and standard specifications approved by the City Engineer.

(b) If greater than 24 inch diameter sewers are required to handle the contemplated flows, such sewers shall be constructed by the City and the cost shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewer, and the excess cost either borne by the City or assessed against the total tributary drainage area.

(11) CENTRAL WATER SUPPLY FACILITIES.

(a) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified by the governing body and the State Department of Natural Resources. The Plan Commission shall require the installation of water laterals to the street lot line. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the City Engineer.

(b) The subdivider shall assume the cost of installing all water mains 8 inches in diameter or less in size. If greater than 8 inch diameter water mains are required the excess cost of such mains over and above the cost of an 8-inch main shall be borne by the utility.

(12) OTHER UTILITIES. The subdivider shall have arranged with the affected utility companies for gas, electric, telephone or CATV facilities to be installed in such a manner as to make adequate water service available to each lot in the subdivision when needed. Where underground utility cables are to be installed in a new residential subdivision, the utility may install conduit for street crossings before the street is surfaced to facilitate later installation of the necessary cable to serve such subdivision or portions thereof. The installation of conduit shall be in lieu of direct installation of the underground cable. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the City Engineer.

(13) STREET LIGHTING. Street lights and a street light system shall be installed by the subdivider within the subdivision upon consultation with the utility serving the area and consistent with the utility’s standards and compatible with the area being served. The streetlights and street lighting system shall be installed at such locations and designed as specified by the City Engineer and as approved by the Plan Commission and the Council. (1971 04/13/99)

(14) STREET SIGNS. The subdivider shall install street signs at such locations and design as specified by the City Engineer. (1971 04/13/99)

(15) IMPROVEMENTS ON BOUNDARIES OF SUBDIVISIONS. Any public improvements occurring on the boundaries of the subdivision shall use normal assessing values for establishing payments.

(16) TREES. As a requirement of subdivision approval, the subdivider shall plant shade trees on the property of the subdivision. Such trees shall be planted within five feet of the right-of-way of the street(s) within and abutting the subdivision, or, at the discretion of the Plan Commission, within the right-of-way of such street(s). (1971 04/13/99)

(a) Number of Trees. One tree shall be planted for every forty (40) feet of frontage along each street unless the Plan Commission, upon recommendation of City staff, shall grant a waiver. The waiver shall be granted only if there are trees growing along the right-of-way or on the abutting property which, in the opinion in the Plan Commission, complies with these regulations. (1971 04/13/99)

(b) Location, Size, and Approval. New trees including species, and the location of said plantings required by these regulations, shall be approved by the City Forester. The trees shall have a minimum trunk diameter measured twelve (12) inches above ground level of not less than two (2) inches. Said trees shall be located to avoid conflict with utilities and the specific locations of trees shall be delineated on the preliminary plat so as to be approved or modified by the City Forester prior to Plan Commission review. (1971 04/13/99)

(c) Shade Tree Easement and Dedication. The Plan Commission may require the preliminary plat and final plat to reserve an easement.
authorizing the City to plant shade trees within five (5) feet of the required right-of-way of the City. (1971 04/13/99)

(d) Assuring Compliance. No street shall be accepted for dedication until the City Engineer and City Forester inform the Plan Commission and the City that compliance, where necessary, has been made with these regulations. (1971 04/13/99)

(17) EROSION CONTROL. The subdivider shall install all temporary and permanent erosion control and sediment control structural aid works as outlined in approved plans required by §18.07(13) (Erosion Control) and Ch. 14, Subchapter IV, Stormwater Management. (2045 01/09/2001)

(18) GREENWAYS AND ENVIRONMENTAL CORRIDORS DEDICATION AND RESERVATION. Greenways and environmental corridors included within land to be divided shall receive the following prescribed treatment by the owner of the subdivision: (2045 01/09/2001)

(a) The subdivider shall be responsible for an acceptable continuous drainageway through the proposed plat as determined by the City Engineer. The subdivider shall furnish the City Engineer with a plan outlining the greenway/environmental corridor boundaries and the location of existing drainageways. Such areas shall be dedicated or reserved as required by §18.07(12). In addition, the subdivider shall furnish to the City Engineer a set of cross sections (on 50' stations) of the greenway based on City datum oriented upon a base line as prescribed by the City Engineer. Where a natural drainageway exists which has acceptable hydraulic capacities including alignment and grade as determined by the City Engineer, construction will not be required and the existing natural growth shall be preserved. Where such natural growth is not preserved by action of the subdivider or his or her agents, he or she shall be responsible for repairing the disturbed areas by returning them to the original condition by methods approved by the City Engineer. When it is determined by the City Engineer that the hydraulic capacities including alignment and grade are not acceptable, then such alignment, grade and slopes shall be improved by the subdivider to the cross section specified by the City Engineer.

(b) The subdivider shall install permanent pipes or culverts at a grade designated by the City Engineer under all streets crossing a greenway or drainageway. Said installation shall be in accordance with the State of Wisconsin Specifications for Road and Bridge Construction. Culverts required across intersections for temporary street drainage shall be furnished and installed by the developer. All temporary culverts installed by the developer shall be completely removed when the streets are constructed to City standards and the area restored to as nearly original condition as possible, as determined by the City Engineer.

(c) In order to assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway/environmental corridor shall be to an elevation established by the City Engineer. All lot grading and building elevations shall provide for positive drainage. Grading or filling within the greenway/environmental corridor limits is prohibited.

(d) Greenways/environmental corridors shall be limited to public uses.

18.09 CONSTRUCTION.

(1) COMMENCEMENT. No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat or certified survey map has been approved and the City Engineer has given written authorization. Inspection fees shall be required as specified in §18.10 of this chapter.

(2) BUILDING PERMITS. No building permits shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met unless otherwise provided for in the subdivider's agreement. In exceptional circumstances, the Board of Public Works may authorize the issuance of a building permit prior to the completion of all improvements; however, no occupancy permit shall be issued prior to the completion of all improvements.

(3) PLANS. The following plans and accompanying construction specifications may be required by the City Engineer before authorization of construction or installation of improvements:

(a) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
For the purpose of this chapter, the following definitions shall be used:

1. ADVISORY AGENCY. Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the City and may suggest that certain changes be made to the plat or certified survey map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Council or on the Plan Commission. Examples of advisory agencies include the U.S. Soil Conservation Service, local school boards and local utility companies.

2. ALLEY. A special public way affording only secondary access to abutting properties.

3. BUILDING LINE. A line parallel to a lot line and at a distance from the lot line to comply with the yard requirements of the Zoning Code.

4. CERTIFIED SURVEY MAP. A map of a land split prepared in accordance with §236.34, Wis. Stats., and §18.09 of this chapter.

5. CUL DE SAC. A local street with only one outlet and having an appropriate turnaround for the safe and convenient reversal of traffic movement.

6. DIVISION OF LAND. A division of a lot, parcel, or tract of land by the owner thereof or the owner’s agent for any purpose, including sale or development. (1909 06/11/97)

7. DRAINAGEWAY. A manmade improvement intended to convey water within or through a subdivision during periods of high runoff. Drainageways will normally be dry for long periods of time. Drainageways are usually privately owned and protected by easements; however, some major drainageways may be dedicated. Drainageways may also be called drainage swales or grass waterways.

8. DWELLING UNIT. A structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others. (1909 06/11/97)

9. EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. The unincorporated area within 1½ miles of a fourth class City or a Village and within 3 miles of all other Cities. (1909 06/11/97)

10. FINAL PLAT. A map prepared in accordance with the requirements of Ch. 236, Wis. Stats., and this chapter for the purpose of dividing larger parcels into lots and conveying those lots. The...
lines showing where lots and other improvements are located are precise.

(11) GENERAL PLAN. The extensively developed plan, also called a master plan, adopted by the Plan Commission and certified to the Council, pursuant to §62.23, Wis. Stats., including proposal for future land use, transportation, parks and recreation, urban redevelopment and public facilities. Devices for the implementation of these plans such as zoning, official map and land division ordinances, and capital improvement programs shall also be considered a part of the General Plan.

(12) LOT. A parcel of land of at least sufficient size to meet the minimum lot size requirements of this Code for lots or parcels not served by a public sanitary sewer system and the minimum zoning requirements set forth in the zoning code for lots served by a public sanitary sewer system. (1909 06/11/97)

(13) LOT, CORNER. A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot size.

(14) LOT, DOUBLE FRONTAGE. A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have 2 front yards and 2 side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts a major street. Double frontage abutting major streets should restrict direct access to the major street by means of a planting buffer or some other acceptable access buffering measure.

(15) LOT, REVERSE FRONTAGE. A corner lot with no provision for extra width to permit side yard to be same as front yards on that side.

(16) MASTER PLAN. An extensively developed plan, map or other document pertaining to planning and adopted by the Plan Commission which may pertain to the division of lands, including the Official Map, comprehensive development plans, and other planning documents including proposals for future land use, transportation, urban development, parks and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, Official Map, subdivision and land development, building development and capital improvement plans shall be considered as planning documents within this definition. (1909 06/11/97)

(17) MINOR LAND DIVISION. The division of a parcel or tract of land by the owner or subdivider or their agent for the purpose of sale or of building development where the act of division creates or results in the creation of not more than four parcels or building sites, any one of which is 35 acres in size or less in area, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot or outlot. (1909 06/11/97)

(18) MULTIPLE FAMILY DWELLING. An apartment building, row house, townhouse, condominium or manufactured building as defined in §101.71(6) Wis. Stats. that consists of 3 or more attached dwelling units. (1909 06/11/97)

(19) OBJECTING AGENCY. An agency empowered to object to a subdivision plat pursuant to Ch. 236, Wis. Stats. The City may not approve any plat upon which an objection has been certified until the objection has been satisfied. On any plat, the objecting agencies may include the Wisconsin Department of Development, the Wisconsin Department of Transportation, the Wisconsin Department of Natural Resources, the Wisconsin Department of Industry, Labor and Human Relations.

(20) OFFICIAL MAP. A map indicating the location, width, and extent of existing and proposed streets, highways, drainage ways, parks, playgrounds and other facilities, as adopted by the Common Council pursuant to Ch. 62, Wis. Stats. (1909 06/11/97)

(21) OWNER. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, limited liability company, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this chapter. (1909 06/11/97)

(22) PARCEL. Contiguous lands under the control of a subdivider not separated by streets, highways or railroad rights-of-way. Also referred to as a lot. (1909 06/11/97)

(23) PLAT. This term includes a map of a subdivision or minor land division. (1909 06/11/97)

(24) PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided and shows the approximate location of lots and other improvements.

(25) PUBLIC SANITARY SEWER SYSTEM means a Wastewater Treatment Plant and appurtenances licensed by the Wisconsin
18.12 VIOLATIONS. It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this chapter or the Wisconsin Statutes; and no person shall be issued a building permit by the City authorizing the building on, or improvement of, any subdivision, minor land division or replat within the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of this chapter have been fully met. The City may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

18.13 PENALTIES AND REMEDIES.

(1) PENALTY. Any person who violates or fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than $100 nor more than $500, together with the costs and assessments as provided by §25.04(1) of this Code. The penalty for default of payment of such forfeiture, costs and assessments shall be imprisonment in the County Jail until payment thereof, but not exceeding 6 months. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:

(a) Recordation improperly made carries penalties as provided in §236.30, Wis. Stats.

(b) Conveyance of lots in unrecorded plats carries penalties as provided for in §236.31, Wis. Stats.

(c) Monuments disturbed or not placed carries penalties as provided for in §236.32, Wis. Stats.

(2) REMEDY. An assessor's plat made under §70.27, Wis. Stats., may be ordered as a remedy by the City at the expense of the subdivider when a subdivision, as defined herein, is created by successive divisions.

(3) SEVERABILITY AND CONFLICT. If any section, subsection, sentence, clause or phrase of this Ordinance or chapter is for any reason held to be invalid or unconstitutional by reason of any decision of any Court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof and to this extent, the provisions of this Subchapter shall be severable.
CHAPTER 19
PARK REGULATIONS

19.01 PARK MANAGEMENT. The Parks and Recreation Director shall be responsible for the day to day operation of City parks in accordance with policies established by the Parks and Recreation Commission and the Council.

19.02 PARK DEFINITION. As used in this chapter, the term "park" is defined to mean all lands and water heretofore and hereafter acquired by the City for park or recreational purposes, or placed under the jurisdiction of the Parks and Recreation Commission, and includes, without limitation, parks, parkways, greenways, recreational facilities and structures, and privately owned lands the use of which has been granted or leased to the City for park, recreational or like public purposes.

19.03 UNLAWFUL CONDUCT PROHIBITED. It shall be unlawful for any person to commit any of the following acts in or upon any public park within the City.

1. VANDALISM. To soil, deface, injure, remove, damage, upset or destroy any building, fence, fountain, bench, table, receptacle, fireplace, tree, bush, flower or other object situated, used or kept upon park grounds.

2. FIRES. To build any fire, except in grills or fireplaces provided for that purpose. No person shall leave any fire unattended and all fires shall be extinguished before leaving the area.

3. DEFACING PARK PROPERTY. To intentionally break, destroy or deface any park property, features, facilities or structures, including natural objects, upon or within the parks.

4. LITTER. To leave, throw or break any bottle, box, refuse or other object, except in clearly marked refuse receptacles provided for that purpose; or throw, discharge or otherwise place or cause to be placed in the water of any fountain, pond, lake, stream, river or other body of water or on the ice thereof in or adjacent to any park, any substance, matter, or thing, liquid or solid, which will or may result in the pollution of said waters. Where receptacles for rubbish are not provided, all waste shall be carried away from the park by the person responsible for it.

5. GLASS CONTAINERS. Glass beverage containers of any kind are prohibited in all parks.

6. MOVING PARK EQUIPMENT. To remove benches, seats, tables or other park equipment from any park or park facility unless prior approval of the Parks and Recreation Director is obtained.

7. FIREWORKS. To set off fireworks of any kind, except when a public display permit has been issued by the Mayor pursuant to see.
9.05 of this Code. No sparklers shall be permitted.

8. GAMES, ATHLETICS AND SPORTS. To engage in any athletic contest, game or activity, except in areas specifically designated for such activity, whereby large areas of public grounds are usurped by the participants to the exclusion and at the peril of injury to others. Specifically, no one shall participate in playing ball, golf, tennis or archery in any City park, except upon ball fields, golf links, tennis courts or archery ranges, respectively, established by the Commission.

9. PUBLIC ENTERTAINMENT AND MEETINGS. To take part in any entertainment or exhibition or hold any public meeting or engage in public speaking in any City park without written consent of the Parks and Recreation Commission.

10. SALES. To vend, sell or offer for sale any food, beverage or other commodity or article to the public within any park without written authorization from the Commission.

11. LOUD AND UNNECESSARY NOISE. To make any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street adjacent to any City park or within any City park, or to operate a loudspeaker from any vehicle within any City park except upon written permit issued by the Commission upon such terms and conditions as will ensure that the public peace will not be disturbed.

12. RULES. To fail, refuse or neglect to obey the regularly posted rules and regulations of the Parks and Recreation Commission for the use or enjoyment of any facilities.

13. PETS. To take, have, keep or permit any dog, cat or other pet in any park in the City, except a dog, cat or other domesticated pet is permitted in Deppe Park, a/k/a Deppe Recreation Area, when such animal is properly restrained. A seeing eye dog, when properly restrained, shall be permitted in a City park. A dog, cat or domesticated pet may be kept within a motor vehicle legally parked in posted parking areas within City parks. (1843 11/28/95)

14. MOLESTING ANIMALS. To molest, disturb, chase or throw objects at any animal or bird within any park.

15. SIGNS. To paste, glue, tack or otherwise post any sign, placard or advertisement, or solicit business of any nature in any park without written authorization from the Parks and Recreation Director.

16. DISORDERLY CONDUCT. To engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance, endangers other persons or property, or interferes with the use of the park by others.

19.04 CLOSING HOURS.

(1) All parks shall be closed to the general public during the following hours: (1836 10/24/95)

November 1 to April
30: Between 7:00 P.M. and 6:00 A.M.
May 1 to October 31:
Between 9:00 P.M. and 6:00 A.M.

It shall be unlawful for any person or group to occupy or be present in any park during hours in which the park is not open to the public, except when permission, in writing, has been granted by the Parks and Recreation Commission or its Director for a group to conduct an activity or use specific facilities or buildings for an activity which extends beyond the regular closing hours.

(2) Any park or part thereof may be declared closed to the public by the Parks and Recreation Commission or its Director at any time and for any interval of time, either temporarily or at regular or stated intervals. It shall be unlawful for any person to enter or be present in any park or portion thereof which has been closed to the public.

19.05 CONDUCT IN ZOO REGULATED.

(1) HARASSMENT OF ANIMALS. No person shall engage in any conduct under circumstances which tends to harass, annoy, disturb or endanger the health, welfare, safety and living environment of the Ochsner Park Zoo animals including, but not limited to, teasing, harassing, mocking, throwing objects, spitting, making loud and disturbing noises, feeding harmful foods or drink, touching or hitting with objects, or intentional molestation.

(2) FEEDING OF ANIMALS. No person shall feed or give any substance to any Ochsner Park Zoo animal except for those animals where feeding is specifically allowed by a sign located on or near the animals' cage or enclosure.

(3) BARRIERS. All persons visiting the Zoo shall adhere to and stay behind all barrier structures.
(4) DESTRUCTION OF PLANTS PROHIBITED. It shall be unlawful for any person to disturb or destroy any of the vegetation within the zoo grounds, specifically for the purpose of feeding the animals.

(5) FOOD AND BEVERAGES PROHIBITED. Visitors are prohibited from taking food or beverages into the zoo.

19.06 MOTOR VEHICLES.

(1) No person shall drive or park a motor vehicle in any park, except on such roads or parking lots specifically designated for the use of motor vehicles.

(2) No person shall operate a motor vehicle at a speed in excess of 15 miles per hour or in excess of any other posted speed limit, whichever is less.

(3) No person shall operate a motor vehicle in a reckless or imprudent manner or in any manner which may tend to create a disturbance or endanger the safety of persons using the parks.

19.07 SNOWMOBILES PROHIBITED. It shall be unlawful for any person to operate a snowmobile in any park.

19.08 OFF-THE-ROAD VEHICLES PROHIBITED. It shall be unlawful for any person to operate any mini-bike, go-cart, motorcycle or other off-the-road vehicle in any park.

19.09 CAMPING. No camping shall be permitted in any park, except upon the written permission of the Parks and Recreation Commission and in campground areas designated by the Commission.

19.10 USE OF PARK FACILITIES; FEES AND DEPOSIT.

(1) RENTAL FACILITIES. The Schedule of Rental Facilities and respective fees as established by the Parks and Recreation Commission on file in the office of the Parks and Recreation Director is hereby adopted by reference. It shall be unlawful for any person to use such rental facilities without paying the designated fee.

(2) RESERVATION OF OTHER PARK FACILITIES. Other park facilities and park areas may be reserved on a first-come first-served basis upon making application to the Parks and Recreation Director.

(3) DEPOSITS. The Parks and Recreation Director may require a cash deposit for any reserved park facilities. All or part of said deposit may be retained in the event the facility or area is not cleaned up or if facility keys are not returned.

19.11 CONSUMPTION OF BEER OR WINE IN PIERCE PARK COMPLEX PROHIBITED EXCEPT AS PERMITTED BY LEASE. (1512 05/10/88)

(1) No person shall sell, possess or consume any alcohol beverages within the Pierce Park Complex except as authorized by and pursuant to the Park and Recreation Commission Lease of the Concession Stand at the Park.

(2) During the times when the Tenant of the Pierce Park Concession Stand is not open for business, fermented malt beverages and wine may be brought in and consumed in the Pierce Park Complex if specifically permitted in writing by the Director or Assistant Director of the City's Park and Recreation Department.

19.12 CONSUMPTION OF ALCOHOL BEVERAGES IN LOWER OCHSNER AND ATTRIDGE PARKS PROHIBITED DURING ANNUAL ZOO CREW FEST, EXCEPT AS PERMITTED BY LEASE. (1643 05/12/92) No person shall sell, possess or consume any alcohol beverages within Lower Ochsner and Attridge Parks during those dates and times as established by resolution of the Park and Recreation Commission for the annual Baraboo Zoo Crew Fest held at Ochsner and Attridge Parks, except as authorized and pursuant to any Park and Recreation Commission lease of said Parks.

19.13 to 19.14 (Reserved)

19.15 PENALTY. Any person who shall violate any provision of this chapter may be subject to a penalty as provided in §25.04 of this Code.
CHAPTER 20
FAIR HOUSING CODE

20.01 POLICY STATEMENT. It is the policy of the City to provide, within constitutional limitations, for fair housing throughout the City of Baraboo.

20.02 DEFINITIONS. Certain words or terms in this chapter are defined for the purpose hereof as follows:

(1) DISCRIMINATE AND DISCRIMINATION. To segregate, separate, exclude or treat a person or class of persons unequally because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age, ancestry, or any other forms of discrimination prohibited by §101.22 of the Wisconsin Statutes. It is intended that the factors set forth herein shall be the sole basis for prohibiting discrimination. (1774 12/15/94)

(2) DISABILITY. A physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. "Disability" does not include the current illegal use of a controlled substance, as defined in §961.01(4) or 961.01(4m), Wis. Stats., unless the individual is participating in a supervised drug rehabilitation program. (1774 12/15/94)

(3) HOUSING. Any improved property, including any mobile home as defined in §66.0435, Wis. Stats., which is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.

(4) UNIMPROVED RESIDENTIAL LOT. Any residential lot upon which no permanent building or structure containing living quarters has been constructed.

(5) ADDITIONAL DEFINITIONS. The definitions of terms found in §106.50, Wis. Stats. are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any future amendments, revisions or modifications of the definitions contained in §106.50, Wis. Stats., are intended to be made a part of this Chapter. (1774 12/15/94)

20.03 DISCRIMINATION PROHIBITED. It is unlawful for any person to discriminate:

(1) By refusing to sell, lease, finance or contract to construct housing or by refusing to discuss the terms thereof.

(2) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.

(3) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.

(4) By publishing, circulating, issuing or displaying, or causing to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing, lease or rental of housing, which states or indicates any discrimination in connection with housing.

(5) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.

(6) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

20.04 EXCEPTIONS

(1) Nothing in this chapter shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.

(2) Nothing in this chapter shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.
(3) Nothing in this chapter shall prohibit the development of housing designed specifically for persons with a handicap and discrimination on the basis of handicap in relation to such housing.

(4) This chapter shall not apply to a religious organization, association or society or any nonprofit institution or organization operating, supervised or controlled by or in conjunction with a religious organization, association or society which limits the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, sex or national origin.

(5) This chapter shall not apply to a private club not in fact open to the public which, as an incident to its primary purpose, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

(6) This chapter shall not apply to any single-family house sold or rented by an owner; provided that:

(a) Such private individual owner does not own more than 3 such single-family houses at any one time.

(b) In the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24 month period.

(c) Such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than 3 such single-family houses at any one time.

(d) The sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented:

1. Without the use in any manner of the sales or rental facilities or the rental services of any real estate broker, agent or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman or person.

2. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code §3604(e) or of §20.03 of this chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.

(7) This chapter shall not apply to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than 4 families living independently of each other if the owner actually maintains and occupies one of such living quarters as his residence.

(8) Nothing in this chapter shall prohibit any owner or agent from requiring that any person who seeks to buy, rent or lease housing supply information concerning family, marital, financial and business status which may include information from previous landlord payment completed compensation, good order and physical condition of the previous abode, but not concerning race, color, creed, sex, handicap, sexual orientation or national origin.

20.05 REPRESENTATIONS DESIGNED TO INDUCE PANIC SALES PROHIBITED. No person may induce or attempt to induce any person to sell, rent or lease any dwelling by representations regarding the present or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sexual orientation or economic status, or by representations to the effect that such present or prospective entry will or may result in:

(1) The lowering of real estate values in the area concerned;

(2) A deterioration in the character of the area concerned;

(3) An increase in criminal or antisocial behavior in the area concerned; or

(4) A decline in the quality of the schools or other public facilities serving the area.

20.06 ENFORCEMENT PROCEDURE.

(1) The Baraboo Community Development Authority shall have the right, power, authority and responsibility to investigate complaints charging violations of this chapter, to make a prompt and full investigation of
each such complaint, and to request the City Attorney to commence proceedings in the appropriate court in the name of the City for the enforcement of this chapter. The City Attorney, upon the request of the Community Development Authority, may issue a complaint if, in his judgment, an action of discrimination is sustainable in court.

(2) Any person claiming to be aggrieved by an alleged discriminatory practice or act contrary to the provision of this chapter may, in person or through a duly authorized representative, make, sign and file a complaint with the Baraboo Community Development Authority.

(3) The complaint shall be in writing and signed before a notary public on a form supplied by or acceptable to the Baraboo Community Authority. Each complaint shall contain the following:
   (a) Full name and address of the person making the complaint.
   (b) Full name and address of the person against whom the complaint is made.
   (c) A plain and concise statement of the facts constituting the alleged unlawful discriminatory practice or act.
   (d) The date or dates of the alleged unlawful discriminatory practice or act.

(4) A complaint shall be filed with the Baraboo Community Development Authority as soon as possible after the date of the alleged discriminatory practice or act, but it shall be filed within 30 days after the aggrieved person becomes aware of the alleged discriminatory practice or act, and in no event more than 60 days after the alleged discriminatory practice or act occurred.

(5) Upon receipt of a verified complaint as herein above provided, the Baraboo Community Development Authority shall promptly conduct or cause to be conducted an investigation of the allegations contained therein. The person against whom such complaint has been made shall be notified of the complaint made and a copy of the complaint shall be served upon said respondent. The initial complaint shall be served prior to the commencement of the investigation by the Community Development Authority. The respondent shall be invited to respond in writing within 10 days of the date of receipt of the complaint. The answer shall be a written statement by the respondent who replies to the allegations of the complainant. Each answer shall contain the following:

   The respondent's current address.
   1. An admission of any allegations in the complaint that are true.
   2. A specific denial of each and every allegation of the complaint that the respondent disagrees with.

   3. A denial of any allegation for which the respondent does not have enough knowledge or information to form an opinion about its truth or falsity.
   4. A statement of any matter constituting a defense to the complainant's charges.

(6) The Community Development Authority shall attempt to resolve the dispute between the complainant and the respondent by conference, conciliation and persuasion unless either party requests the Authority not to undertake conciliation. If the Authority cannot achieve a resolution acceptable to both parties, it may either forward the complaint, answer and its findings to the City Attorney for prosecution under this chapter or it may forward such information to the appropriate State and/or Federal agencies as it deems appropriate. The Authority may dismiss a complaint if the complainant fails to respond within 10 days from the receipt of any correspondence from the Authority concerning the complaint provided that such correspondence was sent by certified mail, return receipt requested, to the last known address of the complainant.

20.07 OTHER REMEDIES. Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which said person might otherwise be entitled under State and/or Federal law.

20.10 PENALTY. Any person who willfully violates any provision of this chapter shall be subject to a forfeiture of not less than $100 nor more than $1,000, together with the costs and assessments as provided by §25.04(1) of this Code.
CHAPTER 21
CABLE COMMUNICATIONS

21.01 Purposes

(1) Protect the public health, safety and welfare;

(2) Provide for the granting of one or more Franchises to permit the use of City streets and other public ways for cable communication systems;

(3) Provide for the regulation by the City of the erection, construction, reconstruction, installation, operation, maintenance, dismantling, testing, repair and use of such systems in, upon, along, across, above, over and under or in any manner connected with the streets or other public ways within the City, as it now or in the future may exist;

(4) Provide for the payment of fees and other valuable considerations to the City for the use of City streets and other public ways by such systems as well as to compensate the City for costs associated with such use and with regulation;

(5) Provide for the development of cable communication systems as a means to improve communications between and among, and to otherwise serve the present and future needs of, the citizens, government and private and public institutions, organizations and enterprises of the City and surrounding communities; and

(6) Provide remedies and prescribe penalties for violations of this Ordinance and any Franchise Agreements executed pursuant to this Ordinance.

21.02 Conflicting Provisions. This Ordinance is adopted pursuant to the authority of the City under the Constitutions and Statutes of the State of Wisconsin and the United States of America, including but not limited to the Cable Communications Policy Act of 1984 (47 U.S.C. 521 et seq.) as amended and 66.0419 of the Wisconsin Statutes. Where any provision of this Ordinance conflicts with any provision of state or federal law, this Ordinance shall control to the full extent permitted by law. In this Ordinance references to the Cable Act or the Cable Communications Policy Act of 1984 shall mean the Cable Communications Policy Act of 1984 (47 U.S.C. 521 et seq.) and the Cable Television Consumer Protection and Competition Act of 1992 and the Federal Communications Commission Rules and Regulations applicable to said acts, and any future amendments, revisions or modifications of the foregoing.

21.03 Definitions.

(1) When not inconsistent with the context, words used in the present tense include the
future tense, words used in the plural number include the singular number, and words used in the singular number include the plural number.

(2) For the purposes of this Ordinance, the following terms, phrases and words and their derivations have the meanings given herein, unless it is clearly stated that another meaning is intended. Words not defined herein shall be given the meaning set forth in the Cable Communications Policy Act of 1984, (47 U.S.C. §§521 et seq.), as amended, and, if not defined herein, shall be given their common and ordinary meaning.

(a) **City**. The City of Baraboo, county of Sauk, state of Wisconsin, in its present incorporated form or in any later recognized, consolidated, enlarged or reincorporated form.

(b) **Cable System**. Coaxial cables, wave guides or other conductors and equipment for transmitting video, audio and data services by cable or through its facilities as herein contemplated, and including closed circuit special event programs and educational television.

(c) **Control or Controlling Interest**. Actual working control or ownership of the cable system in whatever manner exercised. A rebuttable presumption of the existence of control or a controlling interest shall arise from the beneficial ownership, directly or indirectly, by any person, group of persons acting in concert (except underwriters during the period in which they are offering securities to the public) or entity of 40 percent or more of the Baraboo cable system or the Franchise under which the system is operated. A change in the control or controlling interest of a parent of a Grantee shall constitute a change in the control or controlling interest of the Baraboo cable system under the same criteria. Control or controlling interest as used herein may be held simultaneously by more than one person, group of persons or entities.

(d) **Council**. The present City Council of the City or any future body constituting the legislative body of the City.

(e) **Franchise**. An authorization issued by the City to construct and operate a Cable System.

(f) **Grantee**. Any entity including a corporation, joint venture, association, partnership or individual to whom or which a Franchise under this Ordinance is granted or lawfully transferred.

(g) **Gross Revenues**. Any revenue derived directly or indirectly by a Grantee, from or in connection with the operation of a Baraboo cable system including, but not limited to, basic subscriber service fees, pay channel service fees, installation and reconnection fees, any extra set charges, home shopping channels, pay-per-view, leased channel fees, converter and remote control rentals, enhanced telecommunication services, studio rentals, production equipment rentals and advertising revenues. The term does not include any taxes on services provided by a Grantee and imposed directly upon any subscriber or user by the state, City or other governmental unit and collected by a Grantee on behalf of said unit.

(h) **Street or Public Way**. The surface of and space above and below any public street, road, highway, freeway, lane, alley, court, sidewalk, parkway or drive, now or hereafter existing as such within the City. A Franchise granted under this Ordinance shall be deemed to confer only such rights to use property in the City as the City may have the right and power to grant in such agreements.

(i) **Subscriber**. Any person or entity lawfully receiving for any purpose the cable system services of a Grantee herein.

**21.04 FRANCHISE TERRITORY**. A Franchise granted under this Ordinance is for the present territorial limits of the City of Baraboo, unless otherwise granted by the Council. Any area henceforth added to the City during the term of the Franchise shall become part of the Franchise territory. For any area within the Franchise territory not served under the Franchise, service under the Franchise must be offered within nine months. Grantee shall not discriminate in provision of or charges for service on the basis of geographical location, race, religion, national origin, age or gender of the subscriber.

(1) The Grantee shall at its expense extend its Cable System as to provide full network service to all residents of:

(a) Newly annexed areas of the City not then served by a cable system; or

(b) New housing areas developed within the city limits; or

(c) Any resident dwelling within the city limits and within three hundred (300) feet of the existing network.

(2) The grantee shall file with the City Clerk two copies of its extension policy for potential subscribers dwelling beyond three hundred (300) feet from the nearest point of the
existing network but within city limits. Such policy must be approved by the City and the Grantee shall not make, or refuse to make, any extension except as permitted by this approved policy.

21.05 GRANT OF FRANCHISE.

(1) This Ordinance allows the City of Baraboo to grant a Franchise to install, maintain and operate a cable system for a term of up to 15 years, provided that the Grantee conforms to the conditions, limitations and requirements of this Ordinance. No portion of a Franchise or any right granted thereunder may be separated or transferred, except as provided in Section 9.

(2) The Council will use its discretion and judgment to determine if the granting of one or more Franchises under this Ordinance will serve the public's needs and protect the public's health, safety and welfare.

(3) No provision of this Ordinance shall be deemed or construed to require the Council to grant a Franchise.

(4) A Franchise granted under this Ordinance shall not take the place of any other license or permit legally required of a Grantee, unless expressly provided in a Franchise Agreement made pursuant to this Ordinance.

(5) On a periodic basis, not to exceed yearly, the City may schedule a public meeting or meetings with the Grantee to review the Franchise and technical performance, plans and prospects. The City may require the Grantee to make available specified information to determine if the Grantee is supplying a level and variety of services equivalent to those being generally offered in comparable markets.

(6) In the event the City enters into a Franchise, permit, license, authorization or other agreement of any kind with any other person or entity other than the Grantee to enter into the City's streets or Public Ways for the purpose of constructing or operating a Cable System or providing Cable Service to any part of the Service Area, the material provisions thereof shall be reasonably comparable to those contained herein, in order that one operator not be granted an unfair advantage over another and to provide all parties equal protection under the law. This paragraph shall not apply to City ownership or operation of a Cable System.

21.06 DESCRIPTION OF A SYSTEM.

(1) The minimum capacity for a cable system in Baraboo shall be 450 MHz with at least 50 downstream channels, to be available upon completion of the system upgrade or by April 1, 1995, whichever is sooner.

(2) A Grantee shall, as part of the acceptance of a Franchise, provide the City with a written description of the cable system within the City, including technical characteristics, channel capacity, channel carriage and a strand map. The Grantee shall provide the City with an updated description as substantial changes in the system are made. Grantee shall provide this information to the City in a timely manner.

21.07 FRANCHISE ACCEPTANCE.

(1) To accept a Franchise granted under this Ordinance, a Grantee must file any required bonds, funds and proof of insurance, as well as written notice of acceptance with the City Clerk within 45 days of the offer of the Franchise being made by the City Council.

(2) Such written notice shall include a certification that the Grantee:

(a) Will comply with this Ordinance, any Franchise Agreements made pursuant to this Ordinance, and all applicable city, county, state and federal regulations in regard to the construction, operation and maintenance of a cable system;

(b) Accepts the Franchise relying on its own investigation and understanding of the power and authority of the City to grant the Franchise and the terms and conditions thereof;

(c) Acknowledges that it has not been induced to enter into the Franchise by any understanding or promise or by other statement, whether written or verbal, by or on behalf of the City or by any other third person concerning any term or condition of the Franchise or Ordinance not expressed herein;

(d) By accepting the Franchise, Grantee: (a) acknowledges and accepts the City's legal right to issue and enforce the Franchise; (b) agrees it will not oppose intervention by the City in any proceeding affecting the Baraboo system; (c) accepts and agrees to each and every provision contained herein; and (d) agrees that the Franchise was granted pursuant to processes and procedures consistent with applicable law, and agrees it will not raise any claim or defense to the contrary.

21.08 TRANSFER OF FRANCHISE.

(1) A Grantee shall give the City that at least ninety days advanced written notice of the Grantee's intention to transfer ownership or control of a cable television system. During the term of a franchise agreement, a Grantee may not transfer ownership or control of a cable...
television system without the approval of the City. The City may not withhold approval of an ownership transfer or a transfer of control without good cause. If a hearing is necessary to determine if a transfer may have an adverse effect, the City may schedule a hearing to take place within forty-five (45) days after the date on which the City receives notice and all supporting documentation. If the City withholds approval of an ownership transfer or a transfer of control, the City shall state its objections to the transfer within sixty (60) days after the date on which the City receives notice and all supporting documentation. Under this paragraph, a transfer of control is deemed to occur if forty (40) percent or more of the ownership interest in a cable television system is transferred.

If ten (10) percent or more of the ownership interest in a cable television system is transferred, the Grantee shall inform the City that authorized its franchise of the transfer in writing within thirty (30) days after the date of the transfer.

(2) A Grantee wishing to transfer control or a controlling interest in a Baraboo cable franchise or system shall make a written request to the City Council for such approval.

(3) Upon the receipt of any request contemplated in subsection A. of this section, the City may require the Grantee or any other party involved in the transfer to provide such information as is reasonably necessary to evaluate the transfer.

(4) When the City approves a transfer under this section, the new Grantee shall indicate acceptance of the Franchise as specified in section 8, including the filing of all necessary bonds, funds, proofs of insurance and certifications.

21.09 FRANCHISE TERM AND RENEWAL.

(1) A Franchise granted pursuant to this Ordinance shall be effective for a period of up to 15 years. The City may grant a Franchise for a shorter term if the Council deems it in the best interest of the City to do so.

(2) To the extent applicable, §546 of the Cable Communications Policy Act of 1984, as amended shall govern the procedures and standards for renewal of any Franchise awarded pursuant to this Ordinance.

(3) When the City approves a Franchise renewal, the Grantee shall accept the renewed Franchise under the procedures set out in §8.

21.10 REVOCATION AND EXPIRATION.

(1) The City shall have the right to revoke a Franchise in the event that the Grantee:

(a) Violates any material provision of this Ordinance, a Franchise or an applicable Franchise Agreement;

(b) Attempts to evade or violate any provision of this Ordinance, a Franchise or an applicable Franchise Agreement;

(c) Practices any deceit or fraud upon the City or any subscriber;

(d) Performs any act or fails to cure any event that requires the approval or consent of the City without securing such approval or consent; or

(e) Triggers any provision in this Ordinance that provides for revocation as a remedy.

(f) Is subject to foreclosure, condemnation or receivership of any part of the Baraboo system, the Grantee shall immediately provide written notification to the City. Such notification shall be notice of cause for revocation of the Franchise, and the City may revoke the Franchise under procedures set forth in this Ordinance.

(2) The City shall notify Grantee of the alleged violation which may warrant termination, which notice shall:

(a) Describe the specific alleged violation;

(b) Direct Grantee to correct or to show cause why alleged violation should not be corrected; and

(c) State the time for response which shall be no less than thirty (30) days from the date the Grantee is sent notice.

(3) Within the time designated, Grantee must:

(a) Cure the violation or (in the event the violation cannot be completely cured within the time period specified) take reasonable steps to begin to cure, and submit a written response to City, identifying the specific steps taken; or

(b) Contest the assertion of non-compliance, describing all facts relevant to the claim, supported by affidavits and documents. No further opportunity to cure is required before the City exercises its rights under the Franchise.

(4) If Grantee contests the City’s assertion of non-compliance, or fails to completely cure the default, the City shall schedule a hearing to review the default. The City shall be caused to be served upon such Grantee, at least seven days prior to the date of such hearing, a written notice of the City’s intent to review, the potential remedies sought, and the time and place of the meeting, notice of which shall be published as a Class One notice under Chapter 985 at least seven (7) days before such meeting in a newspaper of general circulation within the City. The City shall hear any person interested therein, and shall specifically provide Grantee an opportunity to be heard, and shall determine
whether or not any failure, refusal or neglect by the Grantee was with just cause.

(5) If the City shall determine such failure, refusal or neglect by the Grantee was without just cause, then the City may take any actions it is permitted to take under this Franchise or applicable law. Such actions may be taken immediately upon completion of the hearing contemplated by this section or at such time or after such additional proceedings as the City may specify.

(6) Except where precluded by court order, pending litigation or any appeal to any regulatory body or court having jurisdiction over the Grantee shall not excuse the Grantee from the performance of its obligations under this ordinance or the Franchise.

(7) For purposes of this section, and subject to force majeure, the system shall be deemed abandoned if, during any period this Franchise is in effect, Grantee fails to provide services over the system for ninety-six (96) consecutive hours without prior consent of the City.

(8) Without limiting any rights of the City or Grantee under other provisions of federal, state or local law:

(a) If renewal of the Franchise is denied, the City shall have an option to acquire ownership of the system or require Grantee to transfer ownership to another person. Any such acquisition or transfer shall be at fair market value, determined on the basis of the cable system valued as a going concern but with no value allocated to the Franchise itself.

(b) If the Franchise is revoked for cause, the City shall have an option to acquire ownership of the cable system or require Grantee to transfer ownership to another person. Any such acquisition or transfer shall be at an equitable price, as that term is used in 47 U.S.C. §547 (b).

(9) In the event that a Franchise has been revoked or has not been renewed, the Grantee shall remove all of its overhead equipment and cables, and shall leave any equipment or cables that are located underground undisturbed.

21.11 CITY RIGHTS.

(1) The rights of the City and Grantee under this ordinance and Franchise Agreement granted hereunder shall be subject to applicable law, federal, state and local.

(2) The City reserves its rights under its lawful police powers to protect the public health, safety and welfare, and nothing in this Franchise shall be read to limit these rights. The City, among other things, does not waive requirements of various codes and ordinances, and resolutions, including zoning codes, codes regarding building permits and fees, or time or manner of construction. Any fees or charges paid, so long as generally applicable and not unreasonably discriminatory, shall be paid in addition to the franchise fee required under this Franchise.

(3) During the term of a Franchise and within the City limits, the City may, where aerial construction exists, maintain free-of-charge upon any poles owned by the Grantee wire and pole fixtures necessary for a police and fire alarm system. Such wires and fixtures shall be constructed and maintained to the satisfaction of the Grantee in accordance with standards set out in this Ordinance, and the City's use shall not interfere with the Grantee's use.

(4) The City may inspect all construction or installation work during such construction or installation, or at any time after completion thereof, in order to insure compliance with the provisions of this Ordinance and all other governing Ordinances.

(5) The Grantee shall provide without charge, one outlet of Basic Service to all City office building(s), fire station(s), library(s), police station(s) and public school building(s) that are passed by its Cable System. The outlets of Basic Cable Service shall not be used to distribute or sell Cable Services in or throughout such buildings; nor shall such outlets be located in common or public areas open to the public. Users of such outlets shall hold Grantee harmless from any and all liability or claims arising out of their use of such outlets, including but not limited to, those arising from copyright liability. Notwithstanding anything to the contrary set forth in this section, the Grantee shall not be required to provide an outlet to such buildings where the drop line from the feeder cable to said buildings or premises exceeds one hundred fifty (150) cable feet, unless it is technically feasible and so long as it will not adversely affect the operation, financial condition or market condition of the Cable System to do so, or unless the appropriate governmental entity agrees to pay the incremental cost of such drop line in excess of one hundred fifty (150) cable feet. In the event that additional outlets of Basic Cable Service are provided to such buildings, the building owner shall pay the usual installation fees associated therewith, including, but not limited to, labor and materials. Upon request of Grantee, the building owner may be required to pay the service fees associated with the provision of Basic Cable Service and the additional outlets relating thereto.

21.12 GRANTEE RULES. A Grantee may promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Grantee to exercise its rights and perform its obligations under
the Franchise and to assure uninterrupted service to all its subscribers. However, such rules, regulations, terms and conditions shall not be in conflict with the provisions of this Ordinance, other City Ordinances or the laws of the State.

21.13 TECHNICAL PERFORMANCE.

(1) The cable system shall be operated to comply with or exceed all guidelines and standards set by the FCC for signal quality and leakage. The City reserves the right to test the system and independently measure the signal quality. The system shall at all times comply with or exceed standards set by the National Electrical Code of the National Fire Protection Association.

(2) The City reserves the right to adopt and enforce technical standards to the extent allowed by Federal law. If such City authority is expanded during the duration of a franchise granted under this ordinance, the City may choose to exercise its authority at its own discretion.

21.14 CONDITIONS ON STREET OCCUPANCY.

(1) All transmission and distribution structures, lines and equipment erected by a Grantee within the City shall be so located as not to cause interference with the proper use of streets, alleys and other public ways and places, and not to cause interference with the rights or reasonable convenience of property owners who adjoin any of the streets, alleys or other public ways and places.

(2) The Grantee shall obtain permission from the City before stringing cable or commencing disturbance of pavement, sidewalk, driveway or other surfacing, and shall, at its own cost and expense and in a manner approved by the City, replace and restore all pavement, sidewalk, driveway or other surface of any street or alley disturbed in as good condition as before such work commenced. The Grantee shall comply with all City ordinances relating to street openings and utility facility placement and operation. In all installations of underground cable, such cable shall be buried a minimum of 12 inches below the surface unless a greater minimum is required by applicable regulation.

(3) If, at any time during a Franchise, the City shall elect to alter or change the location or grade of any street, alley or other public way, the Grantee, upon reasonable notice by the City, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense. If any construction by the Grantee is in violation of the provisions of subsection A, the Grantee shall likewise, upon reasonable notice by the City, remove, relay and relocate its property in such a manner as to remedy such violation at its own expense.

(4) The Grantee shall not place poles or other fixtures where the same will interfere with any gas, electric, telephone or other fixture, water hydrant or main. All such poles or other fixtures placed in any street shall be placed between the outer edge of sidewalk and the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on such alley in such a manner as not to interfere with the usual travel on the streets, alleys and public ways. Nothing in this chapter shall prohibit the use by the Grantee of existing public utility poles where practical, providing mutually satisfactory rental agreements can be entered into.

(5) A Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expenses of such temporary raising or lowering of the wires shall be paid by the person requesting the same, and the Grantee may require such payment in advance. The Grantee shall be given at least ten (10) days advance notice to arrange for such temporary wire changes.

(6) The Grantee, after obtaining permission from the City in each instance, may, at its own expense and under City supervision, trim trees that overhang streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee.

(7) Wherever and whenever both the electric and telephone utilities are underground at a particular location, involving new construction, Grantee's facilities must be located underground.

21.15 WORK PERFORMED BY OTHERS.

(1) A Grantee shall give prior notice to the City specifying the names and addresses of any entity, other than the Grantee, that performs construction services in excess of $10,000 pursuant to the Franchise, provided, however, that all provisions of the Franchise remain the responsibility of the Grantee.

(2) All provisions of a Franchise shall apply to any subcontractor or others performing any work or services pursuant to the provisions of the Franchise.

(3) Nothing in this section shall be construed as allowing the transfer of any rights or responsibilities of the Grantee without City approval which shall not be unreasonably withheld.

21.16 INDEMNITY.

(1) A grantee shall maintain in full force and effect, at its own cost and expense, during the term of a franchise, comprehensive general liability
21.17 BOND, SECURITY FUND, AND RESTORATION FUND.

(1) During the initial construction of a cable system, or any major reconstruction or upgrading thereof, the Grantee shall file with the City a performance bond in the amount of $50,000.00. The bond shall be released when the Grantee certifies to the City that the construction is complete, and the City accepts such certification as proven.

(2) At the time a Franchise is accepted, the Grantee shall deposit into an account established by the City and maintain on deposit through the term of the Franchise the amount of $5,000.00 as a security fund for the faithful performance of the Grantee of all terms and conditions of the Franchise. Interest accrued on this deposit shall be paid to the Grantee on an annual basis. Provision shall be made to permit the City the sole authority to withdraw funds from the security fund. The Grantee shall not use the security fund for other purposes and shall not assign, pledge or otherwise use this security fund for any purpose. Within ten days after notice to it that any amount has been withdrawn by the City from the security fund pursuant to this ordinance, the Grantee shall deposit money sufficient to restore such security fund to the required amount.

(3) On or before the effective date of the franchise, Grantee shall establish a Restoration Fund by depositing with a financial institution approved by the City the sum of $2,000 in cash as security for the performance of all System construction and restoration, to the City's satisfaction, and to compensate the City for the cost of any construction or restoration work the City must perform itself as a consequence of Grantee's failure to so perform. Before withdrawing any sum from the Restoration Fund, the City must provide the Grantee with 30 Days notice of the problem. If the Grantee restores the problem to the homeowner's satisfaction within the 30 days, the City may not withdraw such sum. The Restoration Fund shall be separate and apart from the Security Fund. The Restoration Fund shall be maintained, at Grantee's sole expense, until the completion of construction of the System as certified by the City. Provision shall be made to permit the City to withdraw funds from the Restoration Fund to cover the City's costs for materials, labor, and management of such work, including the time of the City staff and City Attorney. Grantee shall not use the Restoration Fund for any other purpose. Within thirty (30) days after notice to Grantee that any amount has been withdrawn by the City, Grantee shall restore the Restoration Fund to the required amount. Interest on the amount in the Restoration Fund shall accrue to the benefit of Grantee and shall be paid to Grantee at the closing of the Restoration Fund or at such earlier time as the City may, in its sole judgment and discretion, determine.

21.18 REMEDY OF GRANTEE VIOLATION.

(1) In the event of any violation by a Grantee, its vendor, lessee or successor of the provisions of a Franchise or any material portion or portions thereof, or the failure promptly to perform any of the provisions thereof, the City may, after prior written notice is given to the Grantee and the Grantee has had 30 days from the notice to cure the violation, cause the Grantee to be fined up to $500.00 a day from the security fund for each day after written notice is provided until proper correction is made. If the Grantee cures the violation within 30 days after notice under this section, the City may not levy such fine.

(2) The City may assess the amounts specified in this subsection for any of the following performance failures by the Grantee:

(a) Failure to furnish, maintain, or offer all cable services to any potential subscriber within the City upon order of the Grantor: Fifty dollars ($50.00)
21.19 FRANCHISE FEE AND ANNUAL REPORT.

(1) As compensation for permission to use the streets and public ways of the City for the construction, operation, maintenance, modification, and reconstruction of a cable system, and for the City's costs in establishing and administering a regulatory program for a Grantee, the Grantee shall pay to the City an annual amount equal to 5% of the Grantee's annual Gross Revenues or, if higher, that amount allowed under Federal law following 90 days' written notice by the City informing the Grantee of the requirement of such higher amount. If the federal law subsequently permits a higher percentage of gross revenues than five percent for the franchise fee, City in its sole discretion may increase the franchise fee consistent with federal law, provided, however, that grantees shall have the right to pass said increase to its subscribers to be shown as a line item on subscriber's bill.

(2) The Franchise fee shall be paid on a semi-annual basis according to the following schedule: revenues for January through June shall be reflected in an August 15th payment; revenues for July through December shall be reflected in a February 15th payment. Any late franchise fee payments shall be subject to interest charges at the rate of one percent per month for the overdue balance.

(3) Before April 1 of each year, the Grantee shall present to the City a report of system finances for the previous calendar year, which shall include gross revenues from all sources. In addition, the report must contain a summary, by type, of customer complaints received during the previous year as well as their resolutions; a summary of material physical changes in the cable system and changes in services offered in the past year; any rate or fee changes; a current listing of each officer, director, and manager of the cable system, and each person or entity holding control or controlling interest in the Grantee; and a summary of the Grantee's plans for the cable system in the coming year. Any discrepancy between the previous year's franchise fee paid and the amount verified in the annual report shall be paid within 30 days of the verification of the discrepancy.

(4) In the event that any payment is not made as required, interest on the amount due, as determined by the annual gross subscriber revenues as computed by a Certified Public Accountant, shall accrue from the date of the required submittal at a annual rate of 18 percent. The percentages designated in this section may be amended no more than once each year by the City Council, consistent with increased costs for municipal facilities and supervision and applicable rules of other regulatory agencies.

(5) No acceptance of any payment by the Grantee to the City shall be construed as a release of, or as an accord and satisfaction of any claim the City may have for further or additional sums payable as a Franchise fee or for the performance of any other obligation of the Grantee.

21.20 RATES CHARGED BY THE GRANTEE.

(1) Rates charged by a Grantee for service under a Franchise granted under this Ordinance shall be fair and reasonable. At the time any service is sold to any customer, the Grantee shall tender to the subscriber a statement of the rights and obligations of subscribers.

(2) Subsequent additions or amendments to rates, service charges and rights and obligations statements shall likewise be filed with the City Clerk at least 60 days before the same become effective. The Grantee must also provide subscribers to the cable system with written notification of any such additions or amendments at least 30 days before the same become effective.

(3) The City shall, as may be authorized pursuant to federal and state law, including, but not limited to, the Cable Act as amended and FCC Rules and Regulations, have the option to regulate the rates and charges associated with the provision of any cable service, according to the following provisions:

(a) Between January 1 and February 28 of each year, the city may determine
whether it will assume rate regulation authority. If the City takes no action to assume rate regulation authority, then rates may be changed by the grantee by filing with the City a schedule of new rates and by notifying its subscribers prior to the rate change; (1692 05/17/93)

(b) If the City assumes rate regulation, then, for the remainder of that calendar year, rates may be changed subject to the following provisions:

1. Upon a written request by the Grantee to increase the rate, the City shall have sixty (60) days within which to render a decision approving or disapproving the rate increase. If such decision is not rendered by a majority vote of the governing body of the City within sixty (60) days of the original request, such request will be deemed approved.

2. It will not be necessary for the Grantee to seek approval of the City to increase basic service rates to the extent that the rate for basic cable service is not increased more than one time in any 12-month period by an amount not to exceed the average annualized change in the Consumer Price Index (CPI) North Central States/Size Class D - Non-Metro Urban Areas - ALL URBAN CONSUMERS - ALL ITEMS - STANDARD REFERENCE BASE PERIOD 1982 - 1984 = 100, published by the U.S. Department of Labor, Bureau of Labor Statistics. For purposes of measuring changes in said index, the base period shall be the index in effect on January 1, 1993.

3. Notice of any rate increase made pursuant to paragraph (b) of this subsection shall be filed with the City Clerk thirty (30) or more days prior to the implementation of the rate increase together with all supporting data to justify such an increase.

4) By herein accepting authority to regulate rates, City is not waiving any other rights it may have now or in the future, but, rather, specifically reserves such rights as may be provided by applicable federal or state law. Grantee also reserves such rights as it may have now or in the future under applicable federal or state law.

(5) To the extent allowed by state and federal law, nothing in this section shall prevent the Grantee from applying a surcharge or late payment penalty to subscriber bills to reflect delinquent balances due the Grantee.

21.21 OPEN BOOKS AND RECORDS.

(1) A Grantee shall manage all of its operations in accordance with the policy of open books and records in respect to the City. The authorized officers and agents of the City shall have the right to inspect, upon at least 24 hours notice, during normal business hours at Grantee's Baraboo office all books, records, maps, plans, financial records, revenue statements, service complaint logs, performance test results, record of request for service for at least the previous two years and other like materials of the Grantee reasonably necessary to the enforcement of the Franchise.

(2) A Grantee shall be obligated to provide such financial information to the City as reasonably necessary for the City to exercise rate regulatory authority pursuant to the Cable Act as amended and FCC rules and regulations.

(3) The City may order an audit of the Grantee's records, which may be conducted by a city employee or by an independent entity.

21.22 SUBSCRIBER RIGHTS.

(1) No monitoring of any terminal connected to the system shall take place without, on each occasion, specific written authorization by the user of the terminal in question and written notice to the City. Written permission shall not be required for the conducting of system wide or individually addressed electronic sweeps for the purpose of verifying system integrity or monitoring for the purpose of billing, nor shall it prevent the introduction of additional services agreed upon, such as two-way communications and security systems.

(2) A Grantee shall not, except as required by governmental action, provide any data concerning specific subscribers or users or their use of subscriber services except in compliance with the Cable Communications Policy Act of 1984.

(3) Subscribers and users shall retain the right to deactivate their terminals, but shall continue to be responsible for charges until the Grantee is notified to terminate service. The subscriber shall not be charged any fee for the cancellation or downgrading of cable service.

(4) The Grantee shall provide subscribers with a local or toll-free line, either staffed or with answering capabilities, which shall be available to subscribers 24 hours a day. Under normal conditions, telephones must be answered within 30 seconds; subscribers should reach a customer service representative within two
minutes in all cases. Less than three percent of
callers to the Grantee shall receive a busy
signal.

(5) The Grantee shall answer subscribers' service
requests within 24 hours, including weekends
and holidays. Problems should be rectified
within 48 hours or, in case of a dispute, in
fewer than 10 days. Customers shall be able to
schedule with the Grantee that a service visit
occur during a four-hour block in either the
morning or the afternoon.

(6) Upon interruption of subscriber's cable
service, except for acts of God or with
express prior permission of the City, the
following shall apply:

(a) For interruptions of over 24 hours and
up to seven days, the Grantee upon
request by subscriber shall provide a
credit of one-thirtieth of one month's
fees for affected services for each
24-hour period for all affected
subscribers.

(b) For interruptions of seven days or
more in one month, the Grantee shall,
upon request by subscriber provide a
full month's credit for affected services
for all affected subscribers.

(7) Once a cable system is in place, all normal
service installations must be made within
seven business days. Upon initial installation
and at least once annually, each subscriber
shall receive written notice of all services
available, rates for such services and all
Grantee policies affecting customer services.

21.23 PUBLIC, EDUCATIONAL AND
GOVERNMENTAL CHANNELS.

(1) The Grantee shall provide, at the discretion of
the City, at least four full-time public,
educational and governmental access channels
and associated production equipment.

(2) The City shall have sole authority and
responsibility for the administration of the four
public, educational and governmental access
channels, unless it delegates such authority and
responsibility. The City shall prescribe: (a) Rules
and procedures under which the cable
operator is permitted to use such channel
capacity for the provision of other services if
such channel capacity is not being used for the
purposes designated, and (2) rules and
procedures under which such permitted use
shall cease. Nothing herein shall be construed
to require the Grantee to indemnify the City,
its officers, boards, committees, commissions,
employees or others against claims, expenses
or liability arising from any program carried on
any channel designated for public, educational
or governmental use, or any other channel
obtained under mandatory access provisions
or under similar arrangements required by
federal, state or local law.

(3) The Grantee shall provide at least the
minimum equipment necessary to perform
good quality playback of prerecorded
programming, and to make it possible to
record programs at remote locations with
battery-operated portable equipment.
Grantee shall also provide at least the
minimum equipment and technical assistance
for programming produced on behalf of the
City.

(4) The Grantee shall provide either a closed-loop
system or equivalent service capable of
transmission to all educational and public
buildings on a channel not normally received
by cable subscribers. In the event other similar
municipal or educational facilities become
operational during the life of a cable franchise,
the Grantee shall extend the closed-loop
system to include that facility as well.

21.24 LEASED ACCESS COMMERCIAL
CHANNELS. The Grantee shall have channels for
leased access available at a reasonable price in
accordance with the Cable Communications Policy
Act of 1984 (47 U.S.C. 532) as amended and with
FCC rules and regulations. The Grantee shall provide
the leased access commercial channels with all
technological capabilities reasonably necessary for the
operation of the channel.

21.25 EMERGENCY ALERT OVERRIDE SYSTEM.
The Grantee shall incorporate into its cable system the
capability for a temporary emergency override whereby a
designee of the City, in times of emergencies, may
introduce a message on all channels in the system
simultaneously. The Grantee shall provide and maintain
all equipment necessary for the use of this capability,
which shall be capable of being invoked either directly
from a location chosen by the City, or by a telephone line,
provided acceptable security for the override can be
accomplished. The City shall hold the Grantee, its
employees officers and assigns harmless from any claims
arising out of the emergency use of its facilities by the City,
including, but not limited to, reasonable attorney's fees
and costs.

21.26 NONENFORCEMENT BY THE CITY. The
Grantee shall not be relieved of any obligation by
reason of any failure of the City to enforce prompt
compliance with any provision of this Ordinance, a
Franchise or a Franchise Agreement.

21.27 GENERAL RIGHTS AND REMEDIES. All
rights and remedies given to the City under this
Ordinance, a Franchise and a Franchise Agreement
shall be in addition to and cumulative with each other
and with any and all other rights or remedies, existing
or implied, now or hereafter available to the City, at
law or in equity, and such rights and remedies shall
not be exclusive, but each and every right and remedy
specifically provided or otherwise existing or given
may be exercised from time to time and as often and
in such order as may be deemed expedient by the City
in its sole judgment and discretion, and the exercise of
one or more rights or remedies shall not be deemed a waiver of the right to exercise at the same time or thereafter any other right or remedy nor shall any such delay or omission be construed to be a waiver of or acquiescence to any default except as provided by applicable federal or state law. The exercise of any such right or remedy by the City shall not release the Grantee from its obligations or any liability under this Ordinance, a Franchise or a Franchise Agreement.

21.28 SEVERABILITY. Should any word, phrase, clause, sentence, paragraph or portion of this Ordinance and/or a Franchise thereunder be declared to be invalid by a Court of competent jurisdiction, such adjudication shall not affect the validity of this Ordinance and/or the Franchise as a whole, but shall only affect the portion thereof declared to be invalid; and the City Council hereby expressly states and declares that it would nonetheless have passed this Ordinance and/or granted the Franchise had it known that any such word, phrase, clause, sentence, paragraph or portion of said Ordinance and/or Franchise were invalid.

21.29. CITY OF BARABOO GOVERNMENT CHANNEL. (1881 08/13/96)

(1) The City hereby establishes Channel 12 as the City of Baraboo Government Channel to be used exclusively by the City of Baraboo for City purposes under the direction of the Baraboo Common Council.

(2) All broadcasting on Channel 12 shall be for and on behalf of the City and for no other purpose whatsoever.

(3) All programming on Channel 12 shall be the sole responsibility of the City under the direction of the Common Council and the Common Council shall establish all rules and regulations and policies for the use of Channel 12.

(4) Channel 12 shall not be used as a political forum nor as a mechanism for building support for a particular policy, program or issue. No slanderous, lewd, obscene or violent material shall be broadcast on Channel 12. No promotion, endorsement or advertising for any private business, commercial service or product, profit making activity, political candidate or partisan cause shall be allowed on Channel 12, nor any solicitation for charitable, civic or religious donations. Promotional announcements for events, charities or outside organizations in which the City of Baraboo has no official interest or sponsorship shall not be permitted.

(5) Broadcasts on Channel 12 shall be limited exclusively and solely to City functions and operations to achieve the following objectives:

(a) To provide comprehensive information about programs and services offered to City residents by City departments.

(b) To widen the dissemination of information concerning the activities of the legislative and advisory bodies of the City.

(c) To expand community awareness of local government and its decision making processes, including the audio and/or video broadcasting of meetings and hearings of the Common Council and other City boards, committees and commissions.

(d) To provide City related educational and public informational materials to City residents through Cablecast presentations.

(e) To provide technical assistance to City departments in the exercise of their functions.

(f) To improve emergency communications in the event of disaster or widespread service disruption.

(g) To provide promotional announcement of City sponsored events.

(h) To broadcast local weather conditions, including weather emergencies.

(6) Subject to the approval of the Common Council, the Cable Commission, in consultation with the City Administrator, City Clerk, Mayor and City staff, shall be authorized to develop rules, regulations and guidelines to implement the provisions of this section.
CHAPTER 25

GENERAL PROVISIONS

25.01 RULES OF CONSTRUCTION. In the construction of this Code of general ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the ordinances:

(1) WISCONSIN STATUTES. Unless otherwise expressly stated in these Ordinances, the term "Wisconsin Statutes" or "Wis. Stats." whenever used in this Code shall mean the most recently published edition of the Wisconsin Statutes and shall further include any session laws enacted but not yet printed in the published releases of the State Statutes. (1805 04/11/95)

(2) GENDER: SINGULAR AND PLURAL. Every word in this Code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided that these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter or context of such provisions may be repugnant thereto. (1805 04/11/95)

(3) PERSON. The word "person" extends and applies to natural persons, firms, corporations, associations, limited liability companies, joint ventures, partnerships, or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable. (1805 04/11/95)

(4) ACTS BY AGENTS. When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent. (5) ADMINISTRATIVE CODE. Unless otherwise expressly stated in this Code, the term "Administrative Code" or "Wisconsin Administrative Code", or "Adm. Code" or "Wis. Adm. Code" whenever used in this Code shall mean the most recently published release of the Wisconsin Administrative Code. (1805 04/11/95)

25.02 CONFLICT AND SEPARABILITY. (1) CONFLICT OF CODE PROVISIONS. If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.

(2) SEPARABILITY OF CODE PROVISIONS. If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Mayor and Council of the City of Baraboo hereby declare that they would have passed this Code and each section, subsection, sentence, clauses, phrases or portions thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

25.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE. Whenever in this Code any standard, code, rule, regulation or other written or printed matter, other than the Wisconsin Statutes and Wis. Adm. Code, or other sections of this Code, are adopted by reference, they shall be deemed incorporated in this Code as if
fully set forth herein and the City Clerk is hereby directed and required to file, deposit and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the Clerk’s office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.

25.04 PENALTY PROVISIONS. 

(1) GENERAL PENALTY. Except as provided in sub. (2) of this section, whenever so provided in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty which shall be as follows:

(a) First Offense, Penalty. Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not less than $5 nor more than $500, together with the costs and assessments as provided in sub-section (c) hereof, and, in default of payment of such forfeiture, costs and assessments, shall be imprisoned in the County Jail until said forfeiture, costs and assessments are paid, but not exceeding 90 days.

(b) Second Offense, Penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance shall, upon conviction thereof, forfeit not less than $10 nor more than $500 for each such offense, together with the costs and assessments as provided in sub-section (c) hereof, and, in default of payment of such forfeiture, costs and assessments, shall be imprisoned in the County Jail until said forfeiture, costs and assessments are paid, but not exceeding 6 months.

(c) Court Costs and Assessments. Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, be subject to the payment of the following costs and assessments, in addition to the payment of a forfeiture, to the extent allowed by the Court:

1. Clerk of Court fee imposed by §814.63, Wis. Stats.
5. Clerk of Court fee imposed on City by §814.63(2), Wis. Stats.

6. Restitution as provided in §66.0114, Wis. Stats. (1667 11/92)
7. Driver improvement surcharge imposed by §346.655, Wis. Stats.

(2) PENALTY FOR MINORS. In the event proceedings are commenced against children aged 16 or older for violations of Ch. 7 of this Code, or children 12 years of age or older for other violations of this Code except Ch. 7, the provisions of §§938.12, 938.125, and 938.17, Wis. Stats. shall be applicable. (1799 03/28/95)

(3) CONTINUED VIOLATIONS. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(4) JUDGMENT OF THE COURT. Whenever the Court finds a defendant guilty of a violation of this Code, the Court shall render judgment as provided in §66.0114, Wis. Stats. and the Court may further, to the extent allowed by law, issue an execution against the property of the defendant for the payment of any forfeiture, Court costs, assessments and restitution. (1668 11/92)

25.05 REPEAL OF GENERAL ORDINANCES. All ordinances heretofore adopted by the Council of the City of Baraboo are hereby repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this Code:

1. The issuance of corporate bonds and notes of the City of Baraboo of whatever name or description.
2. The establishment of grades, curb lines and widths of sidewalks in the public streets and alleys.
3. The fixing of salaries of public officials and employees.
4. Rights, licenses or franchises or the creation of any contract with the City of Baraboo.
5. The lighting of streets and alleys.
6. The annexation of territory to the City of Baraboo.
7. The naming and changing of names of streets, alleys, public grounds and parks.
8. The letting of contracts without bids.
10. Release of persons, firms or corporations from liability.
12. Water, sewer and electric rates, rules and regulations and sewer and water main construction.
13. Budget ordinances, resolutions and actions.
25.06 EFFECT OF REPEALS. The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the Council shall not:

(1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.

(2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the City.

(3) Affect any offense committed or penalty or forfeiture incurred previous to the time when any ordinance shall be repealed or amended, except that when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.

(4) Affect any prosecution for any offense or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall proceed, in all respects, as if such ordinance or ordinances had not been repealed, except that all such proceedings had after the time this Code shall take effect, shall be conducted according to the provisions of this Code, and shall be, in all respects, subject to the provisions of this Code.

25.07 TITLE: EFFECTIVE DATE: CITATION. These ordinances shall be known as the "Municipal Code of Baraboo, Wisconsin" and shall take effect from and after passage and publication as provided in §66.0103, Wis. Stats. All references thereto shall be cited by section number (Example: §13.06, Municipal Code of Baraboo, Wisconsin).

25.08 KEEPING CODE CURRENT: CITY ATTORNEY'S AMENDMENTS. As each ordinance or resolution affecting this Code becomes effective, the City Clerk shall enter the ordinance into this Code. The Clerk shall further record in the Code the ordinance number and date of adoption of new ordinances and this data shall be forwarded to the City Attorney. The City Attorney shall make no substantive changes to such ordinances and resolutions, but may renumber, rearrange and edit them without first submitting them to the Council; and such rearranging, renumbering and editing shall not affect the validity of such ordinances and resolutions or the provisions of this Code affected thereby.

25.09 INCORPORATE ADOPTION OF AMENDMENTS TO STATE STATUTES AND ADM. CODE. (1594 03/12/91) Except as otherwise specifically provided in this Code, whenever the provisions of the Wisconsin Statutes and/or the Wisconsin Administrative Code are adopted and by reference made a part of this Code, any future amendments, revisions, renumbering or modifications of the adopted Statutes or the Administrative Code are incorporated herein by reference and are intended to be made a part of this Code as though fully set forth herein.

25.10 BOND SCHEDULE FOR ORDINANCE VIOLATIONS. (1700 08/17/93) (2485 03/13/2018)

(1) STATE UNIFORM DEPOSIT SCHEDULE ADOPTED. Except as otherwise specifically provided in this section, the City hereby adopts by reference the current State of Wisconsin Revised Uniform State Traffic Deposit Schedule and Alcohol Beverages, Tobacco and Drug Paraphernalia Violations Deposit Schedule. Any future amendments, revisions or modifications of these schedules are intended to be made a part of this section in order to secure uniform statewide regulation of traffic, alcohol beverage, tobacco and drug paraphernalia violations. The City further adopts the Court costs and assessments as provided in §25.04(1)(c) of this Code and any future amendments, revisions or modifications of the statutory court costs, penalty assessment, jail assessment, automation fee, and any other costs or assessment imposed by State statutes for violations of City ordinance shall, to the extent applicable, be automatically incorporated into this section and made a part hereof in order to secure uniformity between the City's deposit schedule and the schedule imposed by State statute. (1844 11/28/95)

(2) BOND WHERE CONTINUING VIOLATION CHARGED. Whenever an ordinance violation is charged as a continuing offense with each day constituting a separate offense, the City attorney shall be consulted prior to the commencement of a civil forfeiture action as provided by law and shall determine the appropriate bond amount.

(3) BOND SCHEDULE. The following bond schedule shall be followed for all City of Baraboo ordinance violations. The bond amount set forth below does not include statutory court costs, penalty assessment, jail assessment, automation fee, or any other costs imposed by Wisconsin Statutes: (1844 11/28/95, 2072 01/22/2002)

(a) Except as otherwise specified in this schedule, the standard bond for violation of a City ordinance shall be $60.00. (1800 03/28/95)
(b) Chapter 4 - Police Department - Violations: standard bond.

(c) Chapter 5 - Fire Department - Violations: $100.00.

(d) Chapter 7 - Traffic Code - Violations: Whenever a violation is listed in the State of Wisconsin Revised Uniform Traffic Deposit Schedule the bond amount stated in the Schedule shall apply. The bond amount for violations not listed in the Schedule shall be as follows: (1844 11/28/95)

1. Parking violations shall be as provided in Chapter 7 of this Code.
2. Handicap parking violations contrary to §7.09(19)(f) of this Code: Standard bond amount.
3. Operating a motor vehicle while intoxicated violations: The City adopts by reference the current OMVWI Sentencing Guidelines for the Sixth Judicial District. Any future amendments, revisions or modifications of these Guidelines are intended to be made a part of this Section in order to secure uniform countywide regulation of OMVWI violations.
4. Skateboard, roller skates, scooters, and similar play vehicle violations contrary to §7.17 after first warning: $10.00. (2151 04/27/04)

(e) Chapter 8 - Public Works - Violations: (2181 02/08/2005)
Snow and ice removal violations:
First violation - $20.00
Second violation during same winter season (i.e. from December 1 to March 15) - $40.00

(f) Chapter 9 - Orderly Conduct Violations:
Standard bond amount, except as follows (Attorney Note: Juveniles under the age of 14 are not to be assessed costs, pursuant to §938.37, Wis. Stat.): (1844 11/28/95) (2485 3/13/2018)
1. Animal at large violations where animal is a dog or cat contrary to §9.09 of this Code. See Bond under §25.10(3)(i)4 of this Code.
2. Curfew violations contrary to §9.16 Code: $10.00.
3. Tobacco product/cigarette violations by person under 18 contrary to §9.21(2) Code: $10.00.
5. Possession of drug paraphernalia violations by person under 18 contrary to §9.23 Code:
First violation $ 25.00
Second violation $ 50.00
Third violation $100.00
6. Unlawful trespass violations contrary to §9.25 Code: (2063 08/01/2001)
First violation – standard bond amount
Second violation within 12 months - $150
Third and subsequent violations within 12 months - $300
7. Unlawful Keeping or Possession of Prohibited Reptiles, Insects, Crocodilians, Spiders, Wild Animals, and Other Creatures (See §9.10 Code) - $150.00 plus impoundment and identification costs. (2079 07/23/02)
8. Truancy Violation contrary to §9.16(A): $50.00 for first offense, $100 for subsequent offenses committed within 12 months of previous violation. (Attorney Note: Forfeiture is subject to §938.342(1d)(b), Wis. Stat.)
9. Habitual Truancy contrary to §9.16(B): $100 for first offense, $250 for subsequent offenses committed within 12 months of previous violation. (Attorney Note: Forfeiture is subject to §938.342(1g)(b), Wis. Stat.)

(g) Chapter 10 - Public Nuisances - Violations: Standard bond amount, except as follows:
1. Chronic Nuisance Premises violation contrary to §10.05(A): First violation, as defined by §10.05(A)(8)(b) - $500.00; Subsequent violations, as defined by §10.05(A)(8)(b)-$1,000.00

(h) Chapter 11 - Health and Sanitation - Violations: Standard bond amount, except as follows:
1. Solid waste and recyclable violation contrary to §11.07: First violation - $50.00; Second violation within one year, as defined by §11.04(f) - $100.00; Third violation within one year, as defined by §11.04(f) - $500.00.

(i) Chapter 12 - Licenses and Permits - Violations:
1. Alcohol beverage violations: Whenever a violation is listed in the State of Wisconsin Revised Alcohol Beverages Violations Deposit Schedule, the bond amount stated in the Schedule shall apply. The bond for violations not set forth in the schedule shall be as follows:

   a. Adults selling or furnishing alcohol beverages to underage person (§12.02(1) Code; §125.07(1)(a) Stats.)
      First violation $250.00
      Second violation W/In 1 Yr. $300.00
      Third violation W/In 1 Yr. and subsequent Yr. $500.00

   b. Tavern owner responsibility - underage person on premises where alcohol beverages are sold when not accompanied by parent or guardian (12.02(1) Code; §125.07(3) Stats.)
      First violation $250.00
      Second violation W/In 1 Yr. $300.00
      Third violation W/In 1 Yr. and subsequent Yr. $500.00

2. For failure to obtain the following required licenses: standard bond amount:
   a. Bartender and manager alcohol beverages licenses. (§12.02, Code)
   b. Pawnbrokers, secondhand article dealers and jewelry dealers. (§12.03, Code)
   c. Cigarette license. (§12.04, Code)
   d. Entertainment license. (§12.05, Code)
   e. Auto racing license. (§12.05, Code)
   f. Direct sellers, transient merchants and solicitors. (§12.07, Code)
   g. Junk dealers licenses. (§12.09, Code)
   h. Garage, yard and rummage sales licenses. (§12.10, Code)
   i. Taxicabs licenses. (§12.11, Code)
   j. Mobile homes and mobile home parks licenses. (§12.12, Code)

3. Failure to obtain required dog or cat license: $30.00. (2072 01/22/2002)


   First Offense: $30 abatement charge paid to the Baraboo Police Department, plus the Sauk County Animal Shelter impoundment fee if captured.

   Second Offense by same person within 12 months of occurrence date of first offense: $50 abatement charge paid to the Baraboo Police Department, plus the Sauk County Animal Shelter impoundment fee if captured.

   Third Offense by same person within 12 months of occurrence dates of two prior offenses: $75 abatement charge paid to the Baraboo Police Department, plus the Sauk County Animal Shelter impoundment fee if captured.

   Fourth and subsequent violation by same person within 12 months of occurrence dates of prior offenses: $80.00 abatement charge paid to the Baraboo Police Department, plus the Sauk County Animal Shelter impoundment fee if captured.

   The foregoing fees must be paid within 21 days of the date of offense. No citation shall be issued if the abatement fee is paid within 21 days. If the fee is not paid within 21 days, a citation may be issued for the violation and the standard bond amount shall apply.

5. Illegal sale or transfer of vicious animal; failure to license vicious animal, or other violation of 12.13(18): $100.00.


(j) Chapter 13 - Municipal Utilities - Violations:
1. Establishing or permitting cross connections: (§13.11, Code) $100.00
2. Failure to abandon private well (§13.12, Code) $100.00
3. Opening, injuring, or meddling with any hydrant, tap, box, etc. without authority: (§13.13, Code) $100.00
4. Installing booster pump on service line: (§13.14, Code) $100.00
5. Failure to obtain permit or to properly install sewer lateral: (§13.32, Code) $100.00
6. Use of public sewers violations (§13.30 Code): $500.00
7. Unlawful discharge into sanitary sewer (§13.33 Code): $500.00

(k) Chapter 14 - Building Code - Violations:
   Failure to obtain required permit: 150% of permit fee but not less than standard bond amount.

(l) Chapter 15 - Plumbing Code - Violations:
   Failure to obtain required permit: 150% of permit fee but not less than standard bond amount.

(m) Chapter 16 - Electrical Code - Violations:
   Failure to obtain required permit: 150% of permit fee but not less than standard bond amount.

(n) Chapter 17 - Zoning - Violations: Standard bond amount.

(o) Chapter 18 - Subdivision & Platting - Violations: Standard bond amount.

(p) Chapter 19 - Park Regulations - Violations: $100.00 except as follows:
   1. Consumption of beer or wine in Pierce Park when concession stand open (§19.11 Code): $10
   2. Consumption of alcohol beverage in Lower Ochsner and Attridge Parks during Zoo Crew Fest except as authorized by the Park and Recreation Commission Lease: (§19.12 Code): $10

(q) Chapter 20 - Fair Housing - Violations: $100.00

25.11 PARTY TO ORDINANCE VIOLATION
(2081 04/16/2002)
(1) Whomever is concerned in the commission of a violation of the Municipal Code of Baraboo, Wisconsin, is a principal and may be charged with and convicted of the commission of the ordinance violation although the person did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other degree of the ordinance violation or of some other ordinance violation based on the same act.

(2) A person is concerned in the commission of an ordinance violation if the person:
   (a) Directly commits the violation.
   (b) Intentionally aids and abets the commission of it; or
   (c) Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such a party is also concerned in the commission of any other ordinance violation which is committed in pursuance of the intended violation and which, under the circumstances, is a natural and probable consequence of the intended ordinance violation. This paragraph does not apply to a person who voluntarily changes his or her mind and no longer desires that the ordinance violation be committed and notifies the other parties concerned of his or her withdrawal within a reasonable time before the commission of the ordinance violation so as to allow the others also to withdraw.
CHAPTER 26
BARABOO-WISCONSIN DELLS AIRPORT
Revised Ordinance No. 1958 Adopted 11/10/98

26.01 Definitions. As used in this ordinance, unless the context otherwise requires:
(a) “Airport” means the BARABOO-WISCONSIN DELLS Airport located in the Town of Delton.
(b) “Airport hazard” means any structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.
(c) “The Commission” means the Baraboo-Wisconsin Dells Airport Commission.
(d) “Height” means the elevation above Mean Sea Level of the top of a structure or tree.
(e) “Non-conforming structure or use” means any structure, tree or use of land which does not conform to a regulation prescribed in this ordinance or an amendment thereto, as of the effective date of such regulation.
(f) “Permit” means written permission from the Baraboo-Wisconsin Dells Airport Commission on a form provided by the Commission stating that the proposed structure or tree either conforms to this height limitation zoning ordinance or has been granted a variance pursuant to Section X.
(g) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, sovereign nation or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
(h) “Structure” means any erection or construction such as a building, mobile home, tower, mast, pole, boom, sign, well, decoration, machinery, satellite antenna, equipment which requires a temporary or permanent location on or in the ground, or any other object, including a mobile object, constructed, installed, or located by any person.
(i) “Tree” means any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes or plants which do not grow to a height of more than five feet.
(j) “Runway” means a level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.

26.02 ZONES. All zones established by this section are as shown on the Map dated April 14, 2016 entitled, “Height Limitation Zoning Map, Baraboo-Wisconsin Dells Airport, Sauk County, Wisconsin” which is attached hereto and adopted as part of this ordinance.(2444 08/09/2016)

26.03 AIRPORT ZONE HEIGHT LIMITATIONS. Except as otherwise provided in this ordinance, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow, to
a height in excess of the elevation indicated on the Map referred to in Section II of this Ordinance. Any structure constructed, altered or located in violation of this ordinance shall be removed at the owner’s expense. The Commission shall have the right to trim, prune, or remove, at The Commission’s expense, any tree allowed to grow to a height in excess of the height limitation set forth herein.

26.04 USE RESTRICTIONS.
(a) Activities. Notwithstanding the provisions of Section III of this ordinance, no use may be made of land in any zone created by the Map referred to in Section II hereof, in such a manner as to create electrical interference with radio communication between the airport and aircraft, or which makes it difficult for pilots to distinguish between airport lights and non-airport lights, or which causes glare in the eyes of pilots using the airport, or impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off or maneuvering of aircraft.

(b) Exceptions. The restrictions contained in Section III shall not apply to legal fences or to farm crops which are cut at least once each year.

26.05 NON-CONFORMING STRUCTURES OR USES.
(a) Non Retroactive. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or use not conforming to the regulations herein at the date of adoption or amendment of this ordinance, or otherwise interfere with the continuance of any structure or use of land not conforming to the regulations herein at the date of adoption or amendment of this ordinance, except as otherwise provided in §VII(b).

(b) Changes. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to date of adoption or amendment of this ordinance, and if such is diligently prosecuted.

(c) Removal. This section shall not interfere with the removal of nonconforming structures or uses by purchase or by the exercise of the right of eminent domain in the manner provided by Ch. 32, Wis. Stats.

26.06 ADMINISTRATION. It shall be the duty of The Commission to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Clerk of The Commission upon a form furnished by The Commission. The Commission shall be authorized and empowered to appoint a zoning administrator as the administrative enforcement officer for the provisions of this ordinance and The Commission may contract with a qualified person or business to act as Zoning Administrator. The Zoning Administrator shall be authorized and empowered to interpret and administer this ordinance and to issue, after on-site inspection, all permits required by this ordinance, except variances. The Zoning Administrator shall further be authorized and empowered on behalf of The Commission to issue uniform citations or complaints to persons violating this ordinance. Applications for permits shall be granted or denied by the Zoning Administrator within ten (10) working days of the date of the filing of the application, unless Federal Aviation Administration (FAA) approval is requested or required. If FAA approval is requested or required, the Zoning Administrator shall grant or deny the application within ten (10) working days after the date the Administrator receives the FAA’s final determination on the application. The Zoning Administrator shall furnish to the Clerk of The Commission a copy of all permits issued under this ordinance, together with copies, if any, of all FAA determinations and other relevant information or documentation requested or required by the Clerk. The Airport Commission Clerk shall maintain records of the issuance of all permits required by this ordinance, including variances granted pursuant to Section X hereof. At the time an application for a permit under this ordinance is filed with The Commission, the applicant shall pay a permit fee established by The Commission. Permit fees shall not exceed the reasonable costs of administering and enforcing this Ordinance. No application shall be processed by the Clerk nor shall the same be considered by the Zoning Administrator until the required fee is paid. A double fee may be charged by the Clerk if a structure is erected, moved, placed, altered, improved or used, or land is used in violation of this ordinance before a required permit is granted. Such double permit fees shall be for the purpose of reimbursing The Commission for the additional administrative work incurred in connection with the issuance of the permit and such double fees shall not release or relieve the applicant from full compliance with this ordinance, nor from liability for the payment of a forfeiture for violating this ordinance as provided in §XI of this Ordinance.

26.07 PERMITS.
(a) Future Uses. No structure shall hereafter be constructed, erected, or installed, or be permitted to remain in any zone created by the Map referred to in §II of this Ordinance until the owner or his/her agent shall have applied in writing and obtained a permit from the Zoning Administrator or from the Zoning Board of Appeals. The application for such permit shall indicate the purpose for which the permit is desired and shall describe and locate the use and/or structure with sufficient particularity to permit the Zoning Administrator to determine whether such structure and/or use conforms to the regulations described herein. If such determination is in the affirmative in all respects, the permit shall be granted by the Zoning
Administrator. A permit shall lapse and be void unless building operations are commenced within six (6) months after issuance or if no significant progress has been made within one (1) year from the date of the issuance thereof. Existing Lawful Non-conforming Structures and Uses. Before any lawful non-conforming structure or use existing on the date of adoption or amendment of this Ordinance may be replaced, altered, rebuilt, expanded or enlarged, a permit shall be applied for and secured in the manner described in §VII(a) authorizing such change, replacement, or alteration. Such permit shall be granted by the Zoning Administrator only if the expansion or enlargement of the non-conforming structure or use shall be in conformity with this Ordinance.

(b) Exemptions. Permits are not required for structures located more than one-half mile from the nearest airport boundary and less than 50 feet maximum height above the ground level at the structure site.

c) Posting. Permits issued under this ordinance shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation, or establishment.

d) Variances. Any person aggrieved by the enforcement of this ordinance or by a decision or action of the Zoning Administrator made in the administration of this Ordinance may appeal such decision or action to the Board of Zoning Appeals as provided in §X.

26.08 HAZARD MARKING AND LIGHTING. Any permit or variance granted under §§VII or X, may, if such action is deemed advisable by the Baraboo-Wisconsin Dells Airport Commission to effectuate the purpose of this ordinance and if such is reasonable under the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit the owner of the airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an airport hazard.

26.09 BOARD OF ZONING APPEALS. Subject to §114.136(4)(b), Wis. Stats. (1996-97), the Board of Zoning Appeals shall consist of 5 members including the 4 Airport Commissioners and 1 member who shall be a tenant of The Airport appointed by the chairperson of the Commission subject to confirmation by at least two airport commissioners. The non-commissioner member of the Board shall serve a 3 year term. The Board of Zoning Appeals shall have all the powers and functions as provided in §62.23(7)(e), Wis. Stats. (1996-97), including, but not limited to, the following powers: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the Zoning Administrator, and (2) to hear and grant appeals for variances as will not be contrary to the public interest where, owing to special circumstances, a literal enforcement of the provisions of this Ordinance will result in practical difficulty or unnecessary hardship such that the spirit of this Ordinance is observed, public and airport safety and welfare secured and substantial justice done, and (3) in the exercise of its powers, the Board of Zoning Appeals may, when granting a permit, application or variance, stipulate appropriate conditions and safeguards in harmony with the general purpose and intent of this ordinance including, but not limited to, requiring hazardous marking or lighting as provided in Section VIII hereof and any failure to carry out such stipulation shall be deemed a violation of this Ordinance, and (4) to contract with any public official or private consultant for assistance in the performance of its duties herein. If any member of the Board of Zoning Appeals is unable to hear any appeal for any reason, the Chairperson of the Commission shall appoint an alternate who shall be one of the following persons: (1) Chairperson of the Town Board of the Town of Delton. (2) President of the Village Board of the Village of Lake Delton. (3) Mayor of the City of Wisconsin Dells. (4) Mayor of the City of Baraboo.

26.10 APPEALS AND REVIEW. Appeals by any aggrieved person to the Board of Zoning Appeals must be filed with the Airport Commission Clerk within thirty (30) days of receipt by the appealing party of the determination from which the appeal is taken. An appeal shall be commenced by filing a Notice of Appeal which shall specify the grounds thereof and shall be accompanied by all information requested by the Board of Zoning Appeals. All appeals shall be accompanied by the pre-payment of an appeal fee established by The Commission. Upon receipt of a Notice of Appeal, The Commission Clerk shall promptly forward the notice to the Board of Zoning Appeals and the Board shall fix the date, time and place for the hearing of the appeal within a reasonable time after the Notice of Appeal is properly filed. The Board of Zoning Appeals shall give public notice of the time, place and purpose of such hearing by publication as a Class 1 Notice under the Wisconsin Statutes in the official newspaper designated by the town board of the Town of Delton. The Class 1 Notice shall be published at least one week before the date of the hearing. Notice of the date, time, place and purpose of such hearing shall also be mailed by First Class Mail, postage prepaid to the parties in interest. The concurring vote of four members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant or appellant on any matter on which it is required to pass or to grant a variance from this ordinance. The Board of Zoning Appeals shall decide all appeals and applications within forty-five (45) days after the final hearing and the Board shall transmit a copy of the decision to the appellant or applicant and to the Zoning Administrator. Conditions may be placed upon any variance or permit ordered or authorized by the Board of Zoning Appeals. Variances or permits granted by the Board of Zoning Appeals shall become null and void automatically within twelve (12) months.
after the date of the Board’s decision unless substantial work has commenced pursuant to such grant or authorization. The party appealing for relief shall carry the burden to prove to a reasonable degree of certainty by credible evidence to the satisfaction of the Board of Zoning Appeals that the facts and circumstances of the appeal satisfy the legal standard for granting a variance as established in §IX hereof. The Board shall be authorized to adopt rules for its governance and procedure in order to carry out the powers and duties granted under this Ordinance. Any person aggrieved by any decision of the Board of Zoning Appeals may commence an action seeking the remedy available by certiorari as provided by §62.23(7)(2), Wis. Stats., (1996-97).

26.11 **PENALTIES AND ENFORCEMENT.** Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than $5.00 nor more $500.00 for each such offense, together with the costs and assessments as provided by the Wisconsin Statutes, and, in default of payment of such forfeiture, costs and assessments, shall be imprisoned in the County Jail until said forfeiture, costs and assessments are paid, but not exceeding ninety (90) days for each violation. Whenever an order of the Zoning Administrator or the Board of Zoning Appeals has not been fully performed within thirty (30) after written notice thereof has been mailed by First Class Mail to the owner and/or the occupant of the premises subject to such order, The Commission may direct institution of appropriate legal action or proceedings, including, but not limited to, proceedings to recover a forfeiture and/or proceedings to prohibit or enjoin such owner or occupant from using the structure and/or land covered by the order of the Administrator or Board of Zoning Appeals and said proceedings may be consolidated in one action or commenced as separate actions concurrently, or at different times. In all cases, The Commission’s remedies shall be cumulative. Nothing in this Ordinance shall preclude The Commission from maintaining any appropriate action to prevent or remove a violation of any provision of this Ordinance.

26.12 **SEVERABILITY.** If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the 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.

26.13 **CONFLICTING REGULATIONS.** Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of the structure or any other matter, the more stringent limitations or requirements shall govern and prevail.

26.14 **PURPOSE AND EFFECT.** The purpose of this Ordinance is to protect the aerial approaches to the Baraboo-Wisconsin Dells Airport by regulating, restricting and determining the use, location, height, number of stories and size of structures and objects of natural growth in the vicinity of the airport. Such regulations, restrictions and determinations are declared to be for the purpose of promoting the public safety, welfare and convenience. This ordinance is further enacted pursuant to the authority granted under §114.136, Wis. Stats. (1996-97). This Ordinance amends the previous ordinance adopted by The Commission Regulating the Height of Structures in the Vicinity of the Baraboo-Wisconsin Dells Airport. The Commissioner is authorized and empowered to conduct the public hearing required by §114.136(2), Wis. Stats. on this ordinance. This ordinance shall take effect and be in force upon passage and publication as provided by law.
CHAPTER 27

CHARTER ORDINANCE

27.01 Alma Waite Fund

27.01 ALMA WAITE FUND. (1523 08/23/88, 1617 07/23/91, 1825 07/25/95)

(1) INTENT. Alma Waite has given a substantial monetary gift to the City and it is in the best interests of the City to establish permanent rules by Charter Ordinance for the management of this gift.

(2) FUND MANAGEMENT RULES. The rules for managing the Alma Waite Fund shall be as follows:

(a) The funds shall be kept in a segregated account and shall be invested and reinvested by the City Treasurer as provided by law.

(b) The minimum permanent principal balance in the Fund as of December 31, 1994, is $957,845.00. In this Ordinance the term "permanent principal balance" shall mean the minimum principal balance to be retained in the Fund and which balance shall remain invested at all times and shall not be ex-pended or loaned for any purpose.

(c) The Common Council has determined that the principal balance maintained in the Fund shall be increased from year to year from the Fund's earnings in order that the permanent principal balance shall gradually increase over a period of time. Toward this objective, the minimum permanent principal balance in the Fund shall be increased as follows:

1. By December 31, 1995, 10% of the total 1995 earnings from the Fund shall be added to and become part of the permanent principal balance in the Fund.

2. By December 31, 1996, 15% of the total 1996 earnings of the Fund shall be added to and become part of the permanent principal balance in the Fund.

3. By December 31, 1997, 20% of the total 1997 earnings of the Fund shall be added to and become part of the permanent principal balance in the Fund.

4. By December 31, 1998, and by December 31 of each year thereafter, 25% of the total annual earnings of the Fund shall be added to and become part of the permanent principal balance in the Fund.

5. From time to time, by a resolution adopted by the majority of the Council members, the Common Council shall be authorized to designate additional amounts from the earnings of the Fund to be retained and added to the permanent principal balance of the Fund.

6. As earnings are added to the Fund as provided in this subsection, those earnings shall become part of the minimum permanent principal balance of the Fund and no portion of the minimum permanent principal balance of the Fund shall be expended by the Council unless this Charter Ordinance is amended as provided by law.

(d) Earnings from the Fund not allocated to become part of the minimum permanent principal balance in the Fund as provided in subsection (c) may be expended for public purposes as set forth in this Charter Ordinance, provided that said funds shall never be used to pay salaries of City officers.

(e) The Common Council may by resolution adopted by a majority of the Council members establish procedures and standards for the use of earnings from the Fund which have not been allocated to become part of the Fund's minimum permanent principal balance. The minimum standards established by the Council shall include, but shall not be limited to, the following:
1. First priority shall be given to construction of City sidewalks serving City facilities and to City projects where funds are loaned to private property owners for the installation of sidewalk and/or curb and gutter adjacent to the property owner's residence or business. Alma Waite Funds shall not be loaned to a subdivider or developer to be used for sidewalk and/or curb and gutter construction in a new development or subdivision.

2. Second priority shall be given to projects that benefit citizens of Baraboo as a whole, particularly those projects that provide matching funds from private contributions.

3. Low priority shall be given to City projects that should be funded by the general property tax, such as equipment purchases, land purchases and capital improvement projects.

(f) The Finance/Personnel Committee shall make recommendations to the Council for the expenditure of the Alma Waite Funds. Each recipient of a grant from the Alma Waite Fund shall execute a contract with the City regarding the use of the Funds. All expenditures from the Fund shall be approved by a majority of the members of the Common Council."

(g) Any Charter provision or any previously enacted Ordinance or Charter Ordinance inconsistent or in conflict with this Ordinance is hereby expressly repealed.

(h) This is a Charter Ordinance and shall take effect 60 days after its §66.0101, Wis. Stats., shall be filed, in which event this Ordinance shall not take effect until it shall have been submitted to a referendum vote of the electors and approved by a majority of the electors voting thereon.
CHAPTER 28

BARABOO AMBULANCE DISTRICT

28.01 CREATION. (1982 02/23/92)

(1) CREATION. Pursuant to §66.30Wis. Stats. and effective January 1, 1993, there is hereby created the Baraboo District Ambulance Service. See City Resolution No. 92-199.

(2) MEMBERS. The members of the Baraboo District Ambulance Service include the following cities, villages, and townships:
   (a) The City of Baraboo;
   (b) The Village of Merrimac; [Withdraw effective 2/31/94]
   (c) The Village of North Freedom;
   (d) The Village of West Baraboo;
   (e) The Township of Baraboo;
   (f) The Township of Caledonia (portion thereof); [Withdraw effective 12/31/92]
   (g) Township of Excelsior (portion thereof).
   (h) The Township of Fairfield;
   (i) The Township of Greenfield;
   (j) The Township of Sumpter (portion thereof). (1940 06/09/98)

28.02 AMBULANCE COMMISSION.

(1) COMPOSITION. The Baraboo District Ambulance Commission shall consist of seven (7) voting members and one (1) nonvoting member. Four members shall be appointed by the City of Baraboo. Three members shall be appointed by the other participating municipalities. The nonvoting member shall be appointed by St. Clare Hospital, or its designee.

(2) APPOINTMENT. Members shall make appointment of Commissioners either at the Annual Meeting or in writing received by the Commission prior to the first day of November of the year prior to the beginning of the term.

(3) TERM. The term for each appointed Commissioner shall be three calendar years except that the City of Baraboo may appoint its Commissioners for a two year term. The term of office shall begin at the first meeting of the Commission in April. [History Note – Bylaw Change: Term changed from calendar year to April; See Minutes 10/31/01 Annual Meeting.]

(4) VACANCIES. Upon the expiration of the term of a Commissioner appointed by the City of Baraboo, or St. Clare Hospital, that entity shall have the right to designate the successor to such Commissioner. The other participating municipalities shall be entitled to designate a Commissioner on a rotating basis. Taking into account the municipalities presently and previously represented on the Commission, the future rotating order of appointment shall be as follows:
   (a) Village of West Baraboo [Term April 2009-2012]
   (b) Township of Sumpter [Term April 2010 – 2013]
   (c) Township of Fairfield [Term April 2011 – 2014]
   (d) Township of Baraboo [Term April 2012 – 2015]
   (e) Village of North Freedom [Term April 2013 – 2016]
   (f) Township of Excelsior [Term April 2007 – 2010]
   (g) Township of Greenfield [Term April 2008 - 2011] (1940 06/09/98)

In the event a municipality fails or declines to appoint a Commission member, the right to such appointment shall go to the next listed municipality. Upon appointment of a Commission member or the failure or refusal to make an appointment, a municipality rotates to the end of the list. New municipalities admitted to the Service start at the end of the then existing rotation list. [History Note – Village of Merrimac...]

28.11 Ambulance Chief
28.12 EMS Manager
28.13 Amendment to Bylaws
VACANCIES PRIOR TO EXPIRATION OF TERM. In the event of the death, resignation, or removal of a Commissioner, the successor to such Commissioner shall be selected by the member entitled to designate and appoint that representative to fill the unexpired term of the retiring Commissioner. Three consecutive absences from scheduled Commission meetings shall constitute a vacancy under this section.

COMPENSATION. Commissioners shall receive $35.00 for each regular and each called special meeting attended. This sum may be adjusted from time to time at the Annual Meeting. All payments of compensation to Commissioners shall be charged against the budget of the Commission.

OFFICERS.

LIMITATION. The powers of the Commission are limited to those powers expressly granted by these Bylaws.

MANAGEMENT OF SERVICE. The Commission shall govern, manage, and supervise the operation of the Ambulance Service and carry out the provisions of these Bylaws. Consistent with the provisions of these Bylaws, the Commission shall adopt such rules and regulations as are necessary to carry out its responsibilities.

EQUIPMENT. The Commission shall be responsible for the maintenance, replacement, and upgrading of all ambulance equipment.

RECORDS. The Commission shall see to it that complete and accurate records are kept and maintained of all income and expenditures arising from the operation of the Ambulance Service to see to an annual audit of the Service accounts by hiring a reputable certified public accounting firm experienced in conducting municipal audits, and to prepare an annual report of ambulance operations for the Annual Meeting.

FEES. The Commission shall set fees for the Service.

BUDGET. The Commission shall adopt a budget prior to October 1st of each year showing estimated income and expenditures of the Service and setting proposed assessments for ratification at the Annual Meeting.
28.05 MEETINGS OF COMMISSION.
(1) REGULAR MEETINGS. The Commission shall meet at least quarterly each year for the transaction of its normal business. (1940 06/09/98) [History Note – Bylaw Change: Meeting requirement changed from monthly meetings to quarterly meetings; See 10/26/94 Annual Meeting Minutes.]

(2) SPECIAL MEETINGS. Special meetings of the Commission may be called at any time by the President or by a majority vote of the Commission. Special meetings of the delegates may be called only by a majority vote of the Commission.

(3) QUORUM. A majority of the Commissioners then serving shall constitute a quorum. If a quorum is present, the affirmative vote of the majority of the members represented at the meeting and a tally of the vote on the subject matter shall be the act of the Commission.

28.06 EXPENDITURES AND BUDGET.
(1) PREPARATION. Prior to the first day of October of each year, the Commission shall submit to all members for approval at the Annual Meeting, a proposed budget. Such budget shall include an estimate of expenses for the Service operations necessary for the ensuing year. Such budget shall also include projected receipts from users of the Ambulance Service. The projected receipts shall then be deducted from the total budget amount and upon ratification of the budget the remaining amount shall be assessed to all participating municipalities. (1940 06/09/98) [History Note – Bylaw Change: Budget submission date changed from first day of September to first day of October; See Minutes 9/29/93 Annual Meeting.]

(2) ASSESSMENTS. Each participating municipality shall be responsible for a proportionate share of the ratified budget amount based upon the relative population of each participating municipality compared to the total population of all participating municipalities. Each participating municipality shall pay its proportionate share of the ratified ambulance budget as follows: One-half the amount due shall be paid by February 15th and the balance shall be paid by August 15th of each year. The contributions made by all participating municipalities shall be held in a special segregated account. Any interest arising therefrom shall be credited to the Service. (1940 06/09/98) [History Note – Bylaw Change: Assessment due date changed from January 15th to February 15th and August 15th; See Minutes 10/28/98 Annual Meeting. Assessment basis changed from valuation to population. See Minutes 11/18/09 Special Meeting.]

28.07 MEETINGS OF MEMBERS.
(1) ANNUAL MEETING. In October of each year an Annual Meeting shall be held with all municipalities in the ambulance district at which meeting the Commission shall submit a summary report of its transactions, decisions, income, and expenditures for the preceding year together with a proposed budget for the ensuing year. (1940 06/09/98) [History Note –
28.08 ASSETS.
(1) OWNERSHIP. All equipment, vehicles, and other property held, acquired, or purchased by the Ambulance Service shall be the property of the Commission. Ownership of all such property shall be titled in the Baraboo District Ambulance Service. Participating municipalities of the Service shall have an equitable lien in all property in an amount proportionate to the relative contributions of each. The Commission shall keep records necessary to determine the proportionate interest of each member in all such property. Property with a life less than three years shall, however, be treated as an expense in the year of purchase. The life of all equipment shall be designated by the Commission upon purchase.

(2) DEBT OR REAL PROPERTY ACQUISITION. The Commission shall not borrow money for any purpose nor purchase land or buildings or construct the same without the express approval of the members at an Annual or Special Meeting as provided by §VII.4.

(3) CONTROL OF PROPERTY. The Commission shall have exclusive charge and custody of all equipment owned or leased by it.

(4) ACCOUNTS. All monies of the Commission shall be kept segregated under the supervision of the Commission Treasurer appointed under Section III.3.(d). [History Note – Bylaw Change: Handling of accounts changed; See Minutes 10/31/01 Annual Meeting.]

(5) EXPENDITURES. The Commission shall have exclusive charge and control of the expenditure of any monies appropriated to the Ambulance Service. The Commission shall audit and approve all vouchers for the expenditures of Ambulance Service and shall forward the vouchers to the Treasurer. The vouchers shall set forth the names of the claimants, the amount of each claim, and the purpose for which the claim was extended. Upon Commission approval of the expenditure, the voucher shall be signed by the President and the Secretary of the Commission with a verification that the same has been audited and approved for payment. Upon receipt of the approved voucher the Treasurer shall pay the claim.

28.09 NEW MEMBERS.
(1) ADMISSION. The Commission may by majority vote admit new municipalities to the Service. Such new members are subject to all rules, regulations, and Bylaws of the Service.

(2) PURCHASE REQUIREMENTS. Each new member shall be liable for the purchase of an ownership share of all assets then held by the Service. Such assets shall be valued by the Commission at their fair market value as of the date of entry. The Commission, in its discretion, may defer payment of such amounts upon such terms and conditions as may be approved by the Commission. In such event, no refund of capital interest as set forth in Section X.3 below, shall be issued until the capital purchase amount is first deducted.

28.10 TERMINATION.
(1) VOLUNTARY. Any municipality may terminate membership in the Ambulance Service effective at the end of any calendar year by giving written notice to the Secretary of the Commission not later than September 30th of that year. Such municipality shall remain liable for its assessed share of operating costs for the remainder of that year, but shall have no further liability for operating costs.

(2) EJECTMENT. Any member municipality which fails to pay its assessed share of the approved budget on or before the due date of any year shall be in default. Unless the default is cured by full payment of all amounts due within 30 days of mailing of notice thereof to the defaulting municipality, ambulance service to the defaulting member shall cease 90 days after default. In the event of termination of ambulance service, the defaulting municipality shall remain liable for its assessed share of operating costs for the entire year of termination together with interest at the annual rate of 12% until paid. [History Note – Bylaw Change: Date services terminated for non-payment changed; See Minutes 10/28/98 Annual Meeting.]
REIMBURSEMENT. Upon withdrawal from the Service, the participating municipality shall be entitled to recover its proportionate ownership share of assets then held by the Service. The fair market value of such assets shall be determined by the Commission as of the date of the final termination. In the event the withdrawing member objects to the fair market value of any asset as determined by the Commission then such member may request an appraisal be performed by a qualified appraiser. In such event the withdrawing member shall be responsible for one-half the costs of such appraisal; the Commission shall be responsible for the balance. As provided herein, any unpaid purchase amount shall be first deducted before compensation is issued. Such compensation shall be paid within six months from the date of termination.

28.11 AMBULANCE CHIEF. The Commission may appoint an Ambulance Chief. The Chief shall bear overall responsibility for operation of the Ambulance Service.

28.12 EMS MANAGER. The Commission may hire an Emergency Medical Services Manager. The following shall be the responsibilities of the EMS manager:

1. Responsibility for day-to-day operations of the Service.
2. Prepare and present monthly reports to the Commission.
3. Prepare posted budgets for consideration by the Commission.
4. Plan for the future replacement and up-grading of Service equipment.
5. Such other duties as are assigned by the Commission.

28.13 AMENDMENT TO BYLAWS. Bylaws may be added, deleted, or modified only by a vote of the members at the Annual Meeting or at a special meeting called for that purpose. Any proposed change must be approved as specified in Section VII.4.