

Town of Fox Lake

Code of Ordinances

Revised 2015

Town of Fox Lake Code of Ordinances  
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STATE OF WISCONSIN  
Town of Fox Lake  
Dodge County

#### SECTION I – PURPOSE

The purpose of this ordinance is to enact the “Town of Fox Lake Code of Ordinances” that has been prepared and authorized by the town board.

#### SECTION II – AUTHORITY

The town board of the Town of Fox Lake, Dodge County, Wisconsin, has the specific authority under s. 66.0103, Wis. Stats., to prepare and enact a code of all of its general ordinances by enacting an ordinance that incorporates the code by reference.

#### SECTION III – ADOPTION OF ORDINANCE

The town board, by this ordinance, adopted on proper notice, with a quorum and roll call vote of the town board present and voting, provides the authority for the Town of Fox Lake to prepare and enact a code of all of its general ordinances by enacting an ordinance that incorporates the code by reference.

#### SECTION IV – ENACTMENT AND INCORPORATION OF CODE OF ORDINANCES.

The code of ordinances in book form entitled, “Town of Fox Lake Code of Ordinances” having been placed on file and open to public inspection in the office of the town clerk for a period of two weeks commencing, May 11, 2015, pursuant to s. 66.0103, Wis. Stats., is hereby adopted as the general code of ordinances in and for the Town of Fox Lake, Dodge County, Wisconsin. The code is incorporated in this ordinance by reference.

#### SECTION XII- EFFECTIVE DATE

This Ordinance is effective on publication.

The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 8th day of June, 2015.

Town Board Signatures

Town Chairperson:

\_\_\_\_\_  
Carlton Schley

Supervisor #1:

\_\_\_\_\_  
Julie Flemming

Supervisor #2:

\_\_\_\_\_  
Wayne Kok

Supervisor #3:

\_\_\_\_\_  
Ronald Babros

Supervisor #4:

\_\_\_\_\_  
Dale Paul

Town Clerk:

\_\_\_\_\_  
Mason Zantow

### **SECTION I – TITLE/PURPOSE**

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

### **SECTION II – AUTHORITY**

The Town Board of the Town of Fox Lake has the specific authority under s. 66.0113, Wis. Stats., to adopt this ordinance.

### **SECTION III – ADOPTION OF ORDINANCE**

The Town Board of the Town of Fox Lake, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the Town of Fox Lake to issue citations for violations of Town of Fox Lake ordinances, including ordinances with statutory counterparts.

### **SECTION IV – COVERAGE**

- A. Except as provided in subsection D and E of this Section IV, the Town Board prescribes the form for citations to be issued in the Town of Fox Lake by the Town Board, or its designees, for violations of Town of Fox Lake ordinances shall be as provided in this subsection and shall include all of the following:
1. The name and address of the alleged violator.
  2. The factual allegations describing the alleged violation.
  3. The time and place of the offense.
  4. The section of the ordinance violated.
  5. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
  6. The time at which the alleged violator may appear in court.
  7. A statement that in essence informs the alleged violator of all of the following:
    - a. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
    - b. That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned.
    - c. That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
    - d. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under s. 66.0113 (3) (d), Wis. Stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. stats.

- e. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093, Wis. Stats.
- 8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statement required under s. 66.0113 (1) (b) 7., Wis. Stats., and shall send the signed statement with the cash deposit.
- 9. Any other information as may be deemed necessary.

- B. The Town Board adopts the following schedule of cash deposits that are required for the various Town of Fox Lake ordinance violations per offense, which includes for each listed violation costs, fees, and surcharges imposed under Ch. 814, Wis. Stats.:

Chapter 8 Licenses, Registrations and Permits	\$100.00 plus current court costs
Chapter 9 Public Health/Sanitation	\$100.00 plus current court costs
Chapter 10 Public Nuisance	\$100.00 plus current court costs
Chapter 11 Public Safety/Public Order	\$250.00 plus current court costs
Chapter 12 Public Works/Infrastructure	\$100.00 plus current court costs
Chapter 14 Environmental Protection	\$100.00 plus current court costs
Chapter 15 Zoning Ordinance	\$200.00 plus current court costs

For all ordinance violations with no scheduled bond amount the bond schedule shall be \$100.00 to \$250.00 plus court costs as those allowed by the Uniform Traffic Deposit Schedule including any future changes in the Schedule.

- C. The Town Board names the following court, clerk of court, or other official to whom cash deposits are to be made and require that receipts be given for cash deposits: Clerk of Court, Dodge County, Clerk of Court, Town of Fox Lake Municipal Court or Town of Fox Lake Clerk/Treasurer.
- D. The Town Board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified in s. 345.11, Wis. Stats., shall be used by the Town of Fox Lake in lieu of the citation form noted above in subsection A.
- E. The Town Board requires that in actions for violations of Town of Fox Lake ordinances enacted in accordance with s. 23.33 (11) (am) or s. 30.77, Wis. Stats., the citation from specified in s. 23.54, Wis. Stats., shall be used in lieu of the citation form noted above in subsection A.
- F. If the action for a violation of a municipal ordinance is to be in municipal court, the citation used shall be in compliance with s. 800.02 (2), Wis. Stats. The service of the citations in municipal court shall conform with s. 800.01, Wis. Stats. The officers authorized to issue citations for municipal court actions are: Town of Fox Lake Police Officers, Building

Inspector or Town Board. The citation for any violation to be heard in municipal court shall contain substantially all of the following information:

1. The name, address, and date of birth of the defendant.
2. The name and department of the issuing officer.
3. The violation alleged, the time and place of occurrence, a statement that the defendant committed the violation, the ordinance, resolution or bylaw violated and a designation of the violation in language, which can be readily understood.
4. A date, time, and place for the court appearance, and a notice to appear.
5. Provisions for the amount of a deposit and stipulation in lieu of a court appearance, if applicable.
6. Notice that the defendant may make a deposit and thereby obtain release if an arrest has been made.
7. Notice that the defendant may, by mail prior to the court appearance, enter a plea of guilty and may within 10 days after entry of the plea request a jury trial.
8. Notice that, if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment, and crime laboratories and drug law enforcement assessment, any applicable consumer protection assessment, and any applicable domestic abuse assessment plus costs, including the fee prescribed in s. 814.65 (1) Wis. Stats., not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.
9. Notice that if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the defendant, the court may summon the defendant into court to determine if restitution shall be ordered under s. 800.093, Wis. Stats.
10. Notice that if the defendant does not make a deposit and fails to appear in court at the time fixed in the citation, the court may issue a summons or a warrant for the defendant's arrest or may enter a default judgment against the defendant.
11. Any other pertinent information.

## **SECTION V – ISSUANCE AND SERVICE OF CITATION**

- A. The Town of Fox Lake citations may be issued by the Town Board of the Town of Fox Lake or the Town Board of the Town of Fox Lake may designate certain Town of Fox Lake, County or other municipal officials, with their written approval, to issue such citations.
- B. The Town of Fox Lake citations, in addition, shall specifically be issued by the Town Chairman. This official may also designate a person to issue such Ordinances for the Town of Fox Lake and this official may revoke this authority to issue anytime.
- C. The Town of Fox Lake Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Fox Lake upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Fox Lake may also serve such citations.

## **SECTION VI – RELATIONSHIP TO OTHER LAWS**

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

## **SECTION VII – SEVERABILITY**

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

## **SECTION VIII – EFFECTIVE DATE**

This Ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 8th day of June, 2015.

Town Board Signatures

Town Chairperson:

\_\_\_\_\_  
Carlton Schley

Supervisor #1:

\_\_\_\_\_  
Julie Flemming

Supervisor #2:

\_\_\_\_\_  
Wayne Kok

Supervisor #3:

\_\_\_\_\_  
Ronald Babros

Supervisor #4:

\_\_\_\_\_  
Dale Paul

Town Clerk:

\_\_\_\_\_  
Mason Zantow



## CHAPTER 1 TOWN OFFICIALS

### **A. TOWN BOARD GENERAL ORDINANCE**

#### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Town Board General Ordinance”. The purpose of this ordinance is to define the duties and powers of the Town Board and Town Officials and to prescribe the manner in which those duties and powers are to be performed.

#### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific authority, powers and duties, pursuant to ss. 60.10, 60.20, 60.22 and 60.23 Wis. Stats., and has, with authorization of the Town meeting, additional statutory authority, powers and duties to manage and direct certain affairs of the Town of Fox Lake. In addition, the Town Board of the Town of Fox Lake has additional general and specific statutory authority, powers and duties established beyond Chapter 60 Wis. Stats.

#### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties of the Town Board of the Town of Fox Lake established in Chapter 60 Wis. Stats., and has established, pursuant to the above noted chapter and this ordinance, other statutory authority, powers and duties of the Town Board of the Town of Fox Lake to manage and direct the affairs of the Town of Fox Lake.

#### **Section 4: Number of Members of Town Board**

The Town Board of the Town of Fox Lake shall consist of five (5) members. The Town Board shall be designated the “Town Board of the Town of Fox Lake”.

#### **Section 5: Quorum of Town Board**

A legal quorum of a Town Board of the Town of Fox Lake is a majority of the members of the Town Board of the Town of Fox Lake. The current Town Board consists of five (5) members. Three (3) members shall be a legal quorum when they are in attendance at any duly called and any duly authorized public meeting of the Town Board of the Town of Fox Lake.

#### **Section 6: Meeting of Town Board**

A meeting of the Town Board of the Town of Fox Lake may be held within the Town of Fox Lake or in any town, city or village within or adjoining the Town of Fox Lake, subject to the open meeting provisions of Subchapter IV of Chapter 19 Wis. Stats.

#### **Section 7: General Statutory Authority, Powers and Duties of Town Board**

The Town Board of the Town of Fox Lake has the below noted specific powers and specific duties that are established in s. 60.22 and s 60.23 Wis. Stats. These powers and duties are:

- 1) Charge of Town Affairs

The Town Board of the Town of Fox Lake has charge of all affairs of the Town of Fox Lake not committed by law to another body or officer or to a Town employee of the Town of Fox Lake.

2) Charge of Actions

The Town Board of the Town of Fox Lake has charge of any action or legal proceeding to which the Town of Fox Lake is a party.

3) Village Powers

The Town Board as authorized under s. 60.10 (2) (c), may exercise powers relating to villages and conferred on village boards under Ch. 61, except those powers which conflict with statutes relating to towns and town boards.

4) Pursue Claims of Town

The Town Board of the Town of Fox Lake shall demand payment of penalties and forfeitures recoverable by the Town of Fox Lake and damages incurred by the Town of Fox Lake due to breach of any official bond, any injury to property or other injury. If, following demand by the Town Board of the Town of Fox Lake, payment is then not made, the Town Board of the Town of Fox Lake shall pursue appropriate legal action to recover the appropriate penalty, forfeiture or damages.

5) Joint Participation Agreements

The Town Board of the Town of Fox Lake may cooperate with state, county or other units of government in Wisconsin pursuant to Sec. 66.23, Wis. Stats., including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operation and maintenance of land, building and facilities for regional projects whether or not located in the Town of Fox Lake.

The Town of Fox Lake maintains the following joint cooperative arrangements:

Joint Boater Safety and Education Agreement with the Fox Lake Inland Protection and Rehabilitation District

6) Utility Districts

The Town Board of the Town of Fox Lake may establish utility districts under s. 66.0827 and provide that any convenience or public improvement in the district be paid for under that section.

7) Appropriation for Civic and Other Functions

The Town Board of the Town of Fox Lake may, if authorized by the Town meeting under Sec. 60.10(3) (b) Wis. Stats., appropriate reasonable amounts of money for gift or donations to be used to:

- a) Further civic functions and agricultural societies.
- b) Advertise the attractions, advantages and natural resources of the Town of Fox Lake.
- c) Attract industry.
- d) Establish industrial complexes.
- e) Establish, maintain and repair ecological areas.
- f) Provide for the organization, equipment and maintenance of a town museum or a municipal band, or for the employment of other bands to give concerts and municipal entertainment in the town.
- g) Construct or otherwise acquire, equip, furnish, operate and maintain, with the county in which the town is located a county-town auditorium. The provisions of s. 66.0925, as they apply to cities, shall apply to towns, and the powers and duties conferred and

imposed by s. 66.0923 upon mayors, councils and specified city officials are hereby conferred upon town board chairpersons, town boards and town officials performing duties similar to the duties of such specified city officials respectively, except those provisions or powers that conflict with statutes relating to towns and town boards.

8) Town Industrial Development Agency

The Town Board of the Town of Fox Lake, in order to promote and develop the resources in the Town of Fox Lake, may appropriate money for and create a Town industrial development agency or appoint an executive officer and provide staff and facilities for a nonprofit organization organized to act under this subsection. A Town of Fox Lake industrial development agency created under this subsection may:

- a) Develop data regarding the industrial needs of, advantages of and sites in the Town of Fox Lake.
- b) Engage in promotional activities to acquaint prospective purchasers with industrial products manufactured in the Town of Fox Lake.
- c) Coordinate its activities with the county planning commission, the Wisconsin Economic Development Corporation and private credit development organizations.
- d) Engage in any other activity necessary for the continued improvement of the industrial climate of the Town of Fox Lake.

9) Cooperation in County Planning

The Town Board of the Town of Fox Lake may cooperate with the county in rural planning under s. 27.019 Wis. Stats., s. 59.54 (4) and (4m) Wis. Stats., and s. 59.69 Wis. Stats.

10) Conservation of Natural Resources

The Town Board of the Town of Fox Lake may, if authorized by the Town meeting under Sec. 60.10(3) (a) Wis. Stats., appropriate money for the conservation of natural resources or for payment to a bona fide nonprofit organization for the conservation of natural resources within the Town of Fox Lake or beneficial to the Town of Fox Lake. No payment may be made to a nonprofit organization unless the organization submits and the Town Board of the Town of Fox Lake approves a detailed plan of work to be done. The plan shall include the name of the owner of any property on which work is to be performed.

11) Emergency Pest and Disease Control

The Town Board of the Town of Fox Lake may appropriate money for the control of insects, weeds or plant or animal disease if:

- a) An emergency arises within the Town of Fox Lake due to insects, weeds or plant or animal diseases; and
- b) The Town Board of the Town of Fox Lake determines that any delay resulting from calling a special Town meeting to authorize the Town Board of the Town of Fox Lake to appropriate money for this purpose under Sec. 60.10 (3) (c) Wis. Stats., would result in serious harm to the general welfare of the Town of Fox Lake.

12) Bowling Centers, Dance Halls, Roadhouses, Places of Amusement, Pool Tables, and Amusement Devices

The Town Board of the Town of Fox Lake may regulate, including the licensing of, bowling centers, dance halls, roadhouses, other places of amusement, billiard and pool tables and amusement devices maintained in commercial facilities. If a license is required, the board shall establish the term of the license, not to exceed one year, and the license fee. The board may suspend or revoke, for cause, a license issued under this subsection. Any person violating a regulation adopted under this subsection shall forfeit to the town an amount established by the town board.

13) Reimbursement of School Districts for Providing Transportation in Hazardous Areas

The Town Board of the Town of Fox Lake may reimburse a school district for costs incurred by the district under s 121.54 (9) Wis. Stats. in transporting pupils who reside in the town.

14) Exchange Tax Credit for County Land

The Town Board of the Town of Fox Lake may authorize the Town Clerk/Treasurer of the Town of Fox Lake to exchange any credit the Town of Fox Lake has with the county, arising from delinquent real estate taxes, for county-owned land.

15) Associations of Towns

The Town Board of the Town of Fox Lake may appropriate money to purchase membership in any association of Town boards for the protection of Town interests and improvement of Town government.

16) Vacation of Alleys

The Town Board of the Town of Fox Lake may vacate any alley in the Town of Fox Lake under s. 66.1003 Wis. Stats. The Town Board of the Town of Fox Lake may not vacate, under this subsection, an alley adjacent to land fronting a state or county trunk highway.

17) Cemeteries

The Town Board of the Town of Fox Lake may provide for cemeteries under subch. II of Ch. 157 Wis. Stats.

The following cemeteries are regulated by the Town Board of the Town of Fox Lake pursuant to an ordinance herein noted as Chapter 12 B:

Brave Road Cemetery  
Lake Emily Cemetery

18) Change of Street Names

The Town Board of the Town of Fox Lake may name or change the name of any street in the Town of Fox Lake under s. 82.03 (7) Wis. Stats.

The streets are now named by the Town Board of the Town of Fox Lake, pursuant to the ordinance herein noted as Chapter 12 C.

19) Neighborhood Watch Program and Signs

The Town Board of The Town of Fox Lake may authorize a neighborhood watch program. The town board may place within the right-of-way of a street or highway under the jurisdiction of the

town a neighborhood watch sign of a uniform design approved by the department of transportation. If the town board obtains the approval of the county board, the town board may place a sign under subsection within the right-of-way of a county trunk highway with the limits of the town. No sign under this subsection may be placed within the right-of-way of a highway designated as part of the national system of interstate and defense highways.

#### 20) Fences in Subdivisions

The Town Board of the Town of Fox Lake may, if authorized under Sec. 60.10 (2) (c) Wis. Stats., to exercise village powers, by ordinance require a subdivider to construct a fence under s. 90.02 Wis. Stats., on the boundary of a subdivision, as defined under s. 23602 (8), as a condition of plat approval by the Town of Fox Lake. The fence shall be maintained under s. 90.05 (2) Wis. Stats., and repaired under ss. 90.10 and 90.11 Wis. Stats.

The Town of Fox Lake has village powers and herein noted as Chapter 1 H and the subdivisions now are regulated by the Town Board of the Town of Fox Lake pursuant to an ordinance herein noted as Chapter 16.

#### 21) Disposition of Dead Animals

The Town Board of the Town of Fox Lake may, notwithstanding s. 59.07 (21) Wis. Stats. dispose of any dead animal within the Town of Fox Lake or contract for the removal and disposition with any private disposal facility. The town may enter into a contract with any other governmental unit under s. 66.0301 to provide for the removal and disposition. The town may recover its costs under this subsection by imposing a special charge under s 66.0627

#### 22) Contribution to Truancy

The Town Board of the Town of Fox Lake has established a municipal court under s 755.01 (1) and may adopt an ordinance to prohibit conduct that is the same as or similar to that prohibited by s. 948.45 and impose a forfeiture for a violation of the ordinance.

#### 23) School Attendance

The Town Board of the Town of Fox Lake has established a municipal court under s 755.01 (1) and may enact and enforce an ordinance to impose a forfeiture, which is the same as the fine provided under s. 118.15 (5), upon a person having under his or her control a child who is between the ages of 6 and 18 years and whose child is not in compliance with s. 118.15.

#### 24) Power to Prohibit Certain Conduct

The Town Board of the Town of Fox Lake may enact and enforce ordinances, and provide forfeitures for violations of those ordinances, that prohibit conduct which is the same as or similar to that prohibited by Chs. 941 to 948, except as provided in s 66.0107 (3).

#### 25) Self-Insured Health Plans

The Town Board of the Town of Fox Lake may provide health care benefits to its officers and employees on a self-insure basis, subject to s. 66.0137 (4).

#### 26) Town Housing Authorities, Blighted Areas

The Town Board of the Town of Fox Lake may engage in certain housing and redevelopment activities. The provisions of ss. 66.1201 to 66.1211, 66.1301 to 66.1329, 66.1331 to 66.1333, and 66.1335, except the provisions of s 66.1201 (10) and any other provisions that conflict with statutes relating to towns and town boards, apply to towns, and the powers and duties conferred and imposed by ss. 66.1201 to 66.1211, 66.1301 to 66.1329, 66.1331 to 66.1333 and 66.1335 except the powers and duties conferred and imposed by s. 66.1201 (10) and any other powers

that conflict with statutes relating to towns and town boards, upon mayors, common councils and specified city officials are conferred upon town board chairpersons, town boards and town officials performing duties similar to the duties of the specified city officials and common councils respectively. Any town housing authorities created under this subsection may participate in any state grants in aid for housing in the same manner as city housing authorities created ss. 66.1201 to 66.1211.

27) Safety Buildings

The Town Board of the Town of Fox Lake may construct, acquire, equip, furnish, operate and maintain a safety building. The provisions of s. 66.0925, as they apply to cities, shall apply to towns, and the powers and duties conferred and imposed by s 66.0925 upon mayors, common councils and specified city officials are hereby conferred upon town board chairpersons, town boards and town officials performing duties similar to the duties of specified city officials and common councils respectively, except those provisions or powers that conflict with statutes relating to towns and town boards.

28) Billboard Regulation

The Town Board of the Town of Fox Lake may enact and enforce an ordinance, and provide a forfeiture for a violation of the ordinance, that regulates the maintenance and construction of billboards and other similar structures on premises abutting on highways in the town that are maintained by the town or by the county in which the town is located so as to promote the safety of public travel on the highways.

29) Riding Horses, Dogs Running at Large

The Town Board of the Town of Fox Lake may enact and enforce ordinances, and provide forfeitures for violations of those ordinances that are the same as or similar to ordinances that may be enacted by a county to regulate riding horses and commercial stables under s. 59.54 (19) or to regulate dogs running at large under s. 59.54 (20)

30) Town Tax Increment Powers

The Town Board of the Town of Fox Lake subject to s. 66.1105 (16) may exercise all powers of cities under s. 66.1105. If the town board exercises the powers of a city under s 66.1105, it is subject to the same duties as a common council under s. 66.1105 and the town is subject to the same duties and liabilities as a city under s. 66.1105.

31) Comprehensive Plan

The Town Board of the Town of Fox Lake may adopt or amend a master plan under s 62.23.

## **Section 8: Town Board Meeting Rules of Procedures**

### **a.) Regular Meeting of Town Board**

The regular meeting of the Town Board of the Town of Fox Lake will be held at the town hall located at W10543 County Road F, Fox Lake, WI at 7:00 p.m. on the 2<sup>nd</sup> Monday of each month. Any regular meeting of the Town Board of the Town of Fox Lake falling upon a legal holiday shall be held on the day designated by the Town Board of the Town of Fox Lake. Any meeting of the Town Board of the Town of Fox Lake, including any special or adjourned meetings that are not held at the town hall but at any other substitute location, shall be designated by the Town Chair of the Town of Fox Lake or his or her designee, in compliance with the open meeting law, by posting a proper written notice of the substituted location at the three (3) usual and customary posting locations likely to give notice. This notice shall occur at least twenty-four (24) hours

prior to the meeting of the Town Board of the Town of Fox Lake, unless in an emergency wherein the proper notice posting shall occur at least two (2) hours prior to the meeting of the Town Board of the Town of Fox Lake.

The three (3) usual and customary posting locations shall be the following unless the Town Board of the Town of Fox Lake directs posting at other locations:

- 1) Town Hall, W10543 County Road F
- 2) U.S. Post Office, 310 W. Main Street
- 3) Fox Lake Public Library, 117 W. State Street

b. Special Meeting of the Town Board

Any special meeting of the Town Board of the Town of Fox Lake may be called by any two (2) members of the Town Board of the Town of Fox Lake in writing with the written call for the special meeting of the Town Board of the Town of Fox Lake filed with the Town Clerk/Treasurer of the Town of Fox Lake at least twenty-four (24) hours prior to the proposed special meeting of the Town Board of the Town of Fox Lake with the time specified in the written call for the special meeting.

No special meeting of the Town Board of the Town of Fox Lake shall be held unless the notice requirement of the state open meeting law, pursuant to Sec. 19.82 Wis. Stats, and notice requirements of the open meeting ordinance adopted as Chapter 2 B have been complied with by the person or persons requesting the public meeting.

The Town Clerk/Treasurer of the Town of Fox Lake, upon receipt of the written call for the special meeting of the Town Board of the Town of Fox Lake, shall immediately notify, in writing, each member of the Town Board of the Town of Fox Lake by delivering the written notice or by having the written notice delivered personally to each member of the Town Board of the Town of Fox Lake. If any member of the Town Board of the Town of Fox Lake cannot be personally notified in writing, then the Town Clerk/Treasurer of the Town of Fox Lake shall deliver or have delivered a copy of the written notice at the home of any such member of the Town Board of the Town of Fox Lake in the presence of an adult member of the family of the town board member. If any member of the Town Board of the Town of Fox Lake cannot be noticed in writing through an adult family member as noted above, then the Town Clerk/Treasurer of the Town of Fox Lake shall post such special meeting written notice in the above noted three (3) usual and customary locations.

The Town Clerk/Treasurer of the Town of Fox Lake shall file proof of service of such special meeting notice by filing an affidavit noting the time, place and location of authorized service of the special meeting notice upon the Town Board of the Town of Fox Lake. If personal service upon any member of the Town Board of the Town of Fox Lake was not completed, then the Town Clerk/Treasurer of the Town of Fox Lake shall so state in the affidavit the type of service or written notice completed.

Special meetings of the Town Board of the Town of may be held without such service and notice when all members of the Town Board of the Town of Fox Lake are present in person or consent in writing to holding of any special meeting of the Town Board of the Town of Fox Lake. Any consent by any member of the Town Board of the Town of Fox Lake shall be filed by the Town Clerk/Treasurer of the Town of Fox Lake prior to the beginning of any special meeting of the Town Board of the Town of Fox Lake.

Special meetings of the Town Board of the Town of Fox Lake attended by a quorum of the members shall be considered a regular meeting of the Town Board of the Town of Fox Lake for

the transaction of any Town of Fox Lake business that may come before the Town Board of the Town of Fox Lake if such regular Town business was so noted in the written notice to the public as required by the state open meeting law, Sec. 19.82 Wis. Stats., and as required by the open meeting ordinance adopted as Chapter 2 B.

c.) Adjourned Meeting of the Town Board

The Town Board of the Town of Fox Lake may, by majority vote, adjourn any special meeting of the Town Board of the Town of Fox Lake from time to time to a specific date and hour. The adjournment to the specific time and place will be in compliance with the open meeting law.

d.) Order and Conduct at Town Board Meeting

1.) Business Order

Unless otherwise established by a reformed business order, unless the reformed business order agenda is approved by the Town Board of the Town of Fox Lake and unless this reformed business order agenda is properly noticed in compliance with the open meeting law and the open meeting ordinance adopted as Chapter 2 B and then presented in writing to the Town Clerk/Treasurer of the Town of Fox Lake prior to the meeting, the following shall be the regular business order agenda of the Town Board of the Town of Fox Lake. The agenda for specific issues or items related to any procedural motions, communications, petitions, reports, unfinished business, motions, resolutions, ordinances and new business shall be established by the Town Chair of the Town of Fox Lake after consultation with the Town Clerk/Treasurer of the Town of Fox Lake.

2) Quorum at Roll Call of Meeting

If no legal quorum is present at the time of the initial roll call, the meeting of the Town Board of the Town of Fox Lake shall be thereon adjourned by the members of the Town Board of the Town of Fox Lake present to a specific date and hour.

3) Absence of Town Clerk/Treasurer at Meeting

If the Town Clerk/Treasurer of the Town of Fox Lake is not present at the time of the initial roll call of the meeting of the Town Board of the Town of Fox Lake, the Town Chair shall appoint the Deputy Clerk/Treasurer of the Town of Fox Lake or any other person present at the meeting of the Town of Fox Lake to be the Town Clerk/Treasurer pro tem. The Town Clerk/Treasurer pro tem shall prepare and maintain minutes of the meeting of the Town Board of the Town of Fox Lake. The Town Clerk/Treasurer pro tem shall deliver these minutes to the Town Clerk/Treasurer of the Town of Fox Lake after the end of the meeting of the Town Board of the Town of Fox Lake or when the Town Clerk/Treasurer pro tem is replaced during the meeting of the Town Board of the Town of Fox Lake by the Town Clerk/Treasurer of the Town of Fox Lake.

4) Absence of Town Chair at Call to Order of Meeting

The presiding officer at the meeting of the Town Board of the Town of Fox Lake will be the Town Chair. If the Town Chair is not present at the time for the call to order, the senior member of the Town Board of the Town of Fox Lake present, known as "Supervisor 1", based on date of original election as a member of the Town Board of the Town of Fox Lake shall call the meeting of the Town Board of the Town of Fox Lake to order, call the initial roll call and shall preside as Town Chair until the Town Chair of the Town of Fox Lake is able to preside at the meeting of the Town Board of the Town of Fox Lake.



If the Town Chair of the Town Board of the Town of Fox Lake will not be able to, at anytime, preside at the meeting, the Town Board of the Town of Fox Lake shall make this determination after the initial roll call and then by motion elect an acting Town Chair for the meeting of the Town Board of the Town of Fox Lake until the Town Chair of the Town of Fox Lake is able to preside at the meeting.

5) Vacation of Town Chair or Presiding Officer at Meeting

If the Town Chair of the Town of Fox Lake or any other presiding officer of the Town Board of the Town of Fox Lake desires to speak on any question or to make any motion, the Town Chair or the presiding officer may speak or make a motion without vacating the chair or without designating a member of the Town Board of the Town of Fox Lake to preside at the meeting as Town Chair pro tem.

6) Meeting in the Public

Any business of any meeting of the Town Board of the Town of Fox Lake shall be in open session and accessible to the public, except as provided in the state open meeting law, Sec. 19.85(1) Wis. Stats., and except as provided in the open meeting ordinance adopted as Chapter 2 B located herein.

7) Audit of Accounts

The Town Board of the Town of Fox Lake shall at its meeting be presented by the Town Clerk/Treasurer with the accounts of the Town of Fox Lake for auditing by the Town Board. All accounts shall be filed with the Town Clerk/Treasurer at least seven (7) days prior to the next meeting of the Town Board of the Town of Fox Lake in order for the account to be presented by the Town Clerk/Treasurer of the Town of Fox Lake at the upcoming meeting of the Town Board of the Town of Fox Lake.

8) Receipts of Funds

Any officer, employee or agent of the Town of Fox Lake in possession of funds or receipts or earnings of the Town of Fox Lake shall deposit any such funds, receipts or earnings with the Town Clerk/Treasurer on at least a weekly basis unless approved otherwise by the Town Board of the Town of Fox Lake. All such funds, receipts or earnings shall be deposited with the Town Clerk/Treasurer on or before the last day of the succeeding calendar month. The Town Board of the Town of Fox Lake shall be advised by the Town Clerk/Treasurer on a monthly basis of any funds outstanding that have not been properly deposited with the Town Clerk/Treasurer. All elected and non-elected Town of Fox Lake officers and Town of Fox Lake employees, within seven (7) days of taking office, hiring or rehiring, shall be informed of this provision by the Town Clerk/Treasurer.

9) Specific Rules of Conduct at Town Board Meeting

a) Roberts Rules of Conduct

Unless other rules of conduct are specifically adopted and codified by ordinance by the Town Board of the Town of Fox Lake, the Town Board and the meetings of the Town Board of the Town of Fox Lake shall be governed by Roberts Rules of Order.

b) Speaking Before Town Board

At a meeting of the Town Board of the Town of Fox Lake no person, other than the members of this Board shall address the Town Board or any member of the Town Board. This provision shall not apply to:

- 1) the Town Clerk/Treasurer
- 2) the Town Police
- 3) any member of the Town Board
- 4) the Town Building Inspector
- 5) the Town Attorney

This provision shall also not apply under the specific orders of business established to recognize residents of the Town or other persons, under the specific order of business to recognize members of any Town office, Town committee, Town agency, Town commission or a special board or other Town officers or except if the person has specifically requested from a member of the Board the right to address the Town Board and then only after the approval of either the presiding officer or the Town Board through an affirmative vote by the Town Board.

c) Motions Stated

Prior to any debate on a matter, the members of the Town Board of the Town of Fox Lake shall be entitled to a clear understanding of the motion before the Town Board. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion. Motions made in writing by a member of the Town Board of the Town of Fox Lake and provided to the Town Clerk/Treasurer of the Town of Fox Lake prior to the meeting shall be provided priority in the appropriate order of business.

The Town Chair of the Town of Fox Lake shall restate the motion prior to any debate and discussion. Any member of the Town Board of the Town of Fox Lake, prior to vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the Town Board prior to the final vote on the matter.

d) Action Items, Business Items, Motions and Questions

No action item, business item, motion or question at a meeting shall be included or even considered by the Town Board of the Town of Fox Lake in its business order agenda unless the action item, business item, motion or question was initially presented to the Town Board by a Town Board member or by the following persons:

- 1) a Town resident
- 2) the Town Clerk/Treasurer
- 3) the Town Police Officer-In-Charge
- 4) the Town Attorney
- 5) the Town Building Inspector
- 6) representatives of local, state, or federal government

No member of the Town Board of the Town of Fox Lake shall request, at a meeting of the Town Board, a vote from the general public unless the proposed vote of the general public is so noted by the Town Chair or the presiding officer of the meeting as strictly an advisory vote to the Board. Any vote taken by the general public at a meeting of the Town Board shall be considered

by this Board only as an advisory vote and shall not be considered as a directory vote. Directory votes to require certain actions to be taken by the Town Board may occur at an annual or special Town meeting.

e.) Town Board Action at First Meeting

1.) Date of First Public Meeting

The first regular meeting of the Town Board of the Town of Fox Lake shall be held on the Second (2<sup>nd</sup>) Monday in May in the odd year.

2.) Appointment, Designation, Retention or Employment of Officers

The Town Board of the Town of Fox Lake shall, at its first meeting or, if the established agenda does not permit, at the second meeting, appoint, reappoint, designate, retain or employ persons to the following Town offices, if these offices have been created by the Town Board of the Town of Fox Lake and their terms have expired, namely:

- a.) Town Attorney
- b.) Town Building Inspector
- c.) Town Weed Commissioner

3.) Public Depositories

The Town Board of the Town of Fox Lake shall, at its first meeting or, if the established agenda does not permit, at the second meeting, designate one (1) or more public depositories for depositing the Town funds of the Town of Fox Lake.

f.) Suspension of Rules

These rules or any part of these rules or any other rule of the Town Board of the Town of Fox Lake may be temporarily suspended at any meeting of the Town Board, including any special meeting of the Town Board, in connection with any matter under consideration by the Town Board of the Town of Fox Lake. Any rule may be suspended by a recorded affirmative roll call vote of two-thirds (2/3) or more of the members of the Town Board of the Town of Fox Lake present at the meeting of the Town Board of the Town of Fox Lake.

g.) Amendment of Rules

These rules or any part of these rules or any other rules of the Town Board of the Town of Fox Lake may be altered or amended at any meeting of the Town Board of the Town of Fox Lake, including any special meeting of the Town Board of the Town of Fox Lake. Any rules may be altered or amended by a recorded affirmative roll call vote of two-thirds (2/3) or more of the members of the Town Board of the Town of Fox Lake present at the meeting of the Town Board of the Town of Fox Lake.

## **B.) TOWN CHAIR ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Town Chair Ordinance”. The purpose of this ordinance is to define the duties and powers of the Town Chair and to prescribe the manner in which those duties and powers are to be performed.

### **Section 2: Authority**

The Town Board or the Town Chair of the Town of Fox Lake has the specific authority, powers and duties pursuant to Sec. 60.13, 60.22 and 60.24 Wis. Stats., and to manage and direct certain affairs of the Town of Fox Lake. In addition, the Town Chair of the Town of Fox Lake has additional general and specific statutory authority, powers and duties beyond Chapter 60 Wis. Stats., and has additional statutory authority, powers and duties with certain authorization of the Town meeting.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by the adoption of this ordinance, confirmed the specific statutory authority, powers and duties of the Town Chair of the Town of Fox Lake established in Chapter 60 Wis. Stats., and has established, pursuant to that chapter and this ordinance, other statutory authority, powers and duties of the Town Chair of the Town of Fox Lake to manage and direct certain affairs of the Town of Fox Lake.

### **Section 4: General Statutory Authority, Powers and Duties of Town Chairperson in Chapter 60 Wis. Stats.**

#### **a.) General Powers and Duties**

#### **1) Preside at Town Board Meeting**

The Town Chair of the Town of Fox Lake shall preside over meetings of the Town Board of the Town of Fox Lake.

#### **2) Preside at Town Meeting**

The Town Chair of the Town of Fox Lake shall preside over Town meetings as provided under Sec. 60.13 Wis. Stats.

#### **3) Sign Documents**

- a) The Town Chair of the Town of Fox Lake shall sign all ordinances, resolutions, bylaws, orders, regulations, commissions, licenses and permits adopted or authorized by the Town Board of the Town of Fox Lake, unless the Town Board, by ordinance, authorizes another Town of Fox Lake officer to sign specific types of documents in lieu of the Town Chair.
- b) The Town Chair of the Town of Fox Lake shall sign all drafts, order checks and transfer orders as provided under Sec. 66.0607 Wis. Stats.

#### **4) Assure Administration of Statutes**

The Town Chair of the Town of Fox Lake shall supervise the administration of statutes relating to the Town of Fox Lake and Town operations to see that they are faithfully executed.

#### **5) Act on Behalf of Town Board**

- a) The Town Chair of the Town of Fox Lake shall see that Town orders and ordinances are obeyed.
- b) The Town Chair of the Town of Fox Lake shall see that peace and order are maintained in the Town of Fox Lake.
- c) The Town Chair of the Town of Fox Lake shall obtain necessary assistance, if available, in case of emergency, except as provided under Chap. 323 Wis. Stats.

6) Act on Authorization of Town Board

- a) The Town Board of the Town of Fox Lake does, authorize the Town Chair to act on behalf of the Town Board of the Town of Fox Lake to direct, as appropriate, for the Town of Fox Lake, the solicitation and quotations for the purchase of equipment, materials and services and submit bids and quotations to the Town Board of the Town of Fox Lake for approval.
- b) The Town Board of the Town of Fox Lake does authorize the Town Chair to act on behalf of this Board to represent or designate another Town of Fox Lake officer to represent the Town at meetings of, and hearings before, governmental bodies on matters affecting the Town.

**Section 5: Administer Oaths**

The Town Chair of the Town of Fox Lake may administer oaths and affidavits on all matters pertaining to the affairs of the Town of Fox Lake.

**Section 6: Statutory Authority, Powers and Duties of Town Chairperson Pursuant to Sec. 60.24 Wis. Stats.**

- a. The Town Chair of the Fox Lake shall nominate election officials when the Town Board disapproves the nominee of a party committee under Sec. 7.30(4) (b) 2 Wis. Stats.
- b. The Town Chair of the Town of Fox Lake shall sue on official bonds, if any, under Sec. 19.015 Wis. Stats.
- c. The Town Chair of the Town of Fox Lake shall execute and sign a certificate of indebtedness in connection with obtaining a state trust fund loan, if any, under Sec. 24.67 Wis. Stats.
- d. The Town Chair of the Town of Fox Lake shall publish annually a notice regarding noxious weeds and appoint one or more commissioners of noxious weeds under Sec. 66.0517 Wis. Stats.
- e. The Town Chair of the Town of Fox Lake, if authorized by the Town Board of the Town of Fox Lake, shall represent the interests of the Town of Fox Lake in connections with appearances before the State Tax Appeals Commission under Sec. 70.64(5) Wis. Stats.
- f. The Town Chair of the Town of Fox Lake shall approve the bond of the Town Clerk/Treasurer/of the Town of Fox Lake delivered to the County Treasurer under Sec. 70.67(1) Wis. Stats.
- g. The Town Chair of the Town of Fox Lake shall sign orders for payment of work performed and materials furnished on Town highways.
- h. The Town Chair of the Town of Fox Lake shall serve as a member of the County

Highway Committee under Sec. 83.015(1) (d) Wis. Stats.

- i. The Town Chair of the Town of Fox Lake shall cause actions to be commenced for recovery of forfeitures for violations of Town of Fox Lake Ordinances that can be recovered in municipal court under Sec. 778.11 Wis. Stats.
- j. The Town Chair of the Town of Fox Lake shall notify the District Attorney of forfeitures which may not be recovered in municipal court under Sec. 778.12, Wis. Stats.
- k. The Town Chair of the Town of Fox Lake shall approve bonds furnished by contractors for public works under Sec. 779.14(1m) Wis. Stats.
- l. The Town Chair of the Town of Fox Lake shall execute the conveyance of real property of the Town of Fox Lake.

## **C. TOWN CLERK/TREASURER ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Town Clerk/Treasurer Ordinance”. The purpose of this ordinance is to define the duties and powers of the Town Clerk/Treasurer and to prescribe the manner in which those duties and powers are to be performed.

### **Section 2: Authority**

The Town Board and the Town Clerk/Treasurer of the Town of Fox Lake have specific statutory authority, powers and duties, pursuant to Sec. 60.10, 60.15, 60.22 60.33, 60.34, 60.3441 and 60.331 Wis. Stats., to manage and direct certain affairs of the Town of Fox Lake. In addition, the Town Clerk/Treasurer of the Town of Fox Lake has certain additional general and specific statutory authority, powers and duties beyond Chapter 60 Wis. Stats., and have, certain statutory authority, powers and duties with certain authorization of the Town meeting.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties of the Town Clerk/Treasurer of the Town of Fox Lake noted above in Chapter 60 Wis. Stats., and has established, pursuant to the above noted chapter and this ordinance, other statutory authority, powers and duties of the Town Clerk/Treasurer of the Town of Fox Lake to manage and direct certain affairs of the Town of Fox Lake.

### **Section 4: General Statutory Authority, Powers and Duties of Town Clerk/Treasurer in Chapter 60 Wis. Stats.**

#### **a. Clerk/Treasurer of Town Meeting**

The Town Clerk/Treasurer of the Town of Fox Lake shall serve as Clerk/Treasurer of the Town of Fox Lake Town meetings pursuant to Sec. 60.15 Wis. Stats.

#### **b. Clerk/Treasurer of Town Board**

- 1) The Town Clerk/Treasurer of the Town of Fox Lake shall serve as Clerk/Treasurer of the Town Board of the Town of Fox Lake, shall attend all meetings of the Town Board of the Town of Fox Lake and shall keep a full record of its proceedings.
- 2) The Town Clerk/Treasurer of the Town of Fox Lake shall file all accounts approved by the Town Board of the Town of Fox Lake or allowed at the Town of Fox Lake Town meetings and enter a statement of the accounts in the record books of the Town of Fox Lake.
- 3) The Town Clerk/Treasurer of the Town of Fox Lake shall file with the Town Board of the Town of Fox Lake claims approved by the Town Clerk/Treasurer of the Town of Fox Lake, as required under Sec. 60.44(2)(c) Wis. Stats.

#### **c. Finance Book**

The Town Clerk/Treasurer of the Town of Fox Lake shall maintain a finance book, which shall contain a complete record of the finances of the Town of Fox Lake, showing receipts, with the date and amount and source of each receipt; the disbursements, with the date, amount and object of each disbursement; and any other information relating to the Town of Fox Lake finances prescribed by the Town Board of the Town of Fox Lake.

d. Elections, Appointments and Notices

- 1) The Town Clerk/Treasurer of the Town of Fox Lake shall perform the duties required by Chapters 5, 10 and 12 Wis. Stats., relating to elections and notices.
- 2) The Town Clerk/Treasurer of the Town of Fox Lake shall transmit to the County Clerk, within ten (10) days after election or appointment and qualification of any Town supervisor, assessor or clerk/treasurer, a written notice stating the name and post-office address of the elected or appointed officer. The Town Clerk/Treasurer of the Town of Fox Lake shall promptly notify the County Clerk of any subsequent changes in such offices.
- 3) The Town Clerk/Treasurer of the Town of Fox Lake shall transmit to the Clerk of Circuit Court, immediately after the election or appointment of any Town Constable or Municipal Judge in the Town of Fox Lake, a written notice stating the name of the Town Constable or Municipal Judge and the term for which elected or appointed. If the Municipal Judge or Town Constable was elected or appointed to fill a vacancy in the office, the Town Clerk/Treasurer of the Town of Fox Lake shall include in the notice the name of the incumbent who vacated the office.

e. Sale of Real Property

The Town Clerk/Treasurer of the Town of Fox Lake shall execute the conveyance of real property of the Town of Fox Lake.

f. Notices

- 1) The Town Clerk/Treasurer of the Town of Fox Lake shall publish or post ordinances and resolutions as required under Sec. 60.80 Wis. Stats.
- 2) The Town Clerk/Treasurer of the Town of Fox Lake shall give notice of Town of Fox Lake annual and special Town meetings as required under Sec. 60.11(5) and 60.12(3) Wis. Stats.

g. Records

- 1) The Town Clerk/Treasurer of the Town of Fox Lake shall comply with subch. II of Chapter 19 Wis. Stats., concerning any record of which the Town Clerk/Treasurer is legal custodian.
- 2) The Town Clerk/Treasurer of the Town of Fox Lake shall demand and obtain the official books and papers of any Municipal Judge if the office becomes vacant and the Municipal Judge's successor is not elected or appointed and qualified, or if any Municipal Judge dies. The Town Clerk/Treasurer of the Town of Fox Lake shall dispose of the books and papers as required by law.

h. Licenses

The Town Clerk/Treasurer of the Town of Fox Lake shall issue any license or permit granted by the Town Board of the Town of Fox Lake.

i. Schools

- 1) The Town Clerk/Treasurer of the Town of Fox Lake shall perform the Town



Clerk/Treasurer's duties under Chaps. 115 and 121 Wis. Stats. relating to public instruction.

- 2) The Town Clerk/Treasurer of the Town of Fox Lake shall, within ten (10) days after the Town Clerk/Treasurer's election or appointment, report his or her name and post-office address to the administrator of each cooperative educational service agency which contains any portion of the Town of Fox Lake. The Town Clerk/Treasurer of the Town of Fox Lake shall report to the administrator the name and post-office address of each school district clerk within ten (10) days after the name and address is filed in the Town Clerk/Treasurer's office.
- 3) The Town Clerk/Treasurer of the Town of Fox Lake shall make and keep in the Town Clerk/Treasurer's office a map of the Town of Fox Lake, showing the exact boundaries of school districts within the Town of Fox Lake.
- 4) The Town Clerk/Treasurer of the Town of Fox Lake shall apportion, as provided by tax revenues collected by the Town of Fox Lake for schools.

j. Highways and Bridges

The Town Clerk/Treasurer of the Town of Fox Lake shall perform the duties specified in Chapters 80 and 92 Wis. Stats., relating to highways, bridges and drains.

k. Notice of Property Tax Revenue

The Town Clerk/Treasurer of the Town of Fox Lake shall notify the County Treasurer in which the Town of Fox Lake is located, by March 15<sup>th</sup>, of the proportion of property tax revenue and of the credits under Sec. 79.10 Wis. Stats., that is to be disbursed by the County Treasurer to each taxing jurisdiction located in the Town of Fox Lake.

l. Receive and Disburse Town Money

- 1) The Town Clerk/Treasurer of the Town of Fox Lake shall receive and take charge of all money belonging to the Town of Fox Lake, or that money which is required by law to be paid into the Town Treasury of the Town of Fox Lake, and shall disburse the money pursuant to Sec.66.042 Wis. Stats., and Chapter 4.
- 2) The Town Clerk/Treasurer of the Town of Fox Lake shall keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The Town Clerk/Treasurer of the Town of Fox Lake shall issue numbered receipts for all funds received. At the request of the Town Board of the Town of Fox Lake, the Town Clerk/Treasurer of the Town of Fox Lake shall present the account books, and any supporting documents requested to the Town Board of the Town of Fox Lake.

m. Deposit of Town Money

- 1) The Town Clerk/Treasurer of the Town of Fox Lake shall deposit, as soon as practicable, the funds of this Town in the name of the Town in a proper public depository or in the public depository or public depositories designated by the Town Board. Failure to comply with this paragraph is grounds for removal from office.
- 2) When money is deposited under par. (a), the Town Clerk/Treasurer and treasurer's sureties are not liable for any loss as defined in Sec. 34.01(2) Wis. Stats. The interest arising from the money deposited shall be paid into the treasury of the Town of Fox Lake.

n. Taxes

The Town Clerk/Treasurer of the Town of Fox Lake shall perform all of the duties relating to taxation required of the Town Clerk/Treasurer under Chaps. 70 through 79 Wis. Stats.

**Section 5: Other Statutory Authority, Powers and Duties of Town Clerk/Treasurer**

a. Municipal Court Records

The Town Clerk/Treasurer of the Town of Fox Lake shall receive the Town of Fox Lake municipal court records, pursuant to Sec. 755.12 Wis. Stats., when and if municipal court ceases to exist and to, within ten (10) days of receipt, dispose of any records and briefs with the appropriate Clerk/Treasurer of Circuit Court pursuant to Sec. 755.14 Wis. Stats.

b. Recording Orders and Certificates

The Town Clerk/Treasurer of the Town of Fox Lake shall obtain and maintain a cancellation book pursuant to Sec. 66.081 Wis. Stats.

c. Statement of Indebtedness to Secretary of State

The Town Clerk/Treasurer of the Town of Fox Lake shall furnish, pursuant to Sec. 69.68 Wis. Stats., a full and complete summary of the bonded indebtedness and all other indebtedness, the purpose for which the sum was incurred and any accrued interest, if any, remaining unpaid to the Secretary of State.

d. Managed Forest Act

The Town Clerk/Treasurer of the Town of Fox Lake shall receive copies from the Department of Natural Resources of all petitions for entry under the Managed Forest Law of all lands in the Town of Fox Lake pursuant to Sec. 77.82(5) Wis. Stats. The Town Clerk/Treasurer of the Town of Fox Lake shall receive copies of notice of hearings established pursuant to Sec. 77.82(6) Wis. Stats., and copies of any orders issued pursuant to Sec. 77.82(8) Wis. Stats.

e. Notice of Cessation of Operations

The Town Clerk/Treasurer of the Town of Fox Lake shall receive the appropriate notice, pursuant to Sec. 109.07 Wis. Stats., of mergers, liquidation, disposition, relocation or cessation of operations from any employer in the Town of Fox Lake. The Town Clerk/Treasurer of the Town of Fox Lake shall then immediately inform the Town Board of the Town of Fox Lake of receipt of such information.

f. Release and Publication of Tax Roll

The Town Clerk/Treasurer of the Town of Fox Lake shall receive the assessment rolls and then publish a Class 1 notice, if applicable, or post notice under Chap. 985 Wis. Stats. The notice will provide that in the noted days the assessment roll will be open for examination by the taxable inhabitants.

g. Requiring Seller's Permit

The Town Clerk/Treasurer of the Town of Fox Lake shall require proof of a seller's permit or

application for a seller's permit from any person that requests a license or permit from the Town of Fox Lake to engage in a business involving the sale at retail of tangible personal property subject to taxes under Sec. 77.61 Wis. Stats.

h. Prepare General Statistics and Annual Statement of Taxes

The Town Clerk/Treasurer of the Town of Fox Lake shall make out and transmit to the County Treasurer by one month of years end a statement pursuant to Sec. 69.60 Wis. Stats. showing the assessed value of all property within the Town of Fox Lake, all taxes levied, all special assessments made and purposes for special assessments. Also, a complete and detailed statement of the bonded and other indebtedness of the Town of Fox Lake and of any accrued interest remaining unpaid and the purpose for which the indebtedness was incurred. In addition, on or before the third Monday of December, the Town Clerk/Treasurer of the Town of Fox Lake shall file a statement of taxes levied to the Department of Revenue.

i. Make Tax Roll

The Town Clerk/Treasurer of the Town of Fox Lake shall make out the complete list of all taxable real property to be called the Tax Roll as required in Sec. 70.65 Wis. Stats.

j. Correct Tax Roll

The Town Clerk/Treasurer of the Town of Fox Lake shall correct the errors in the Tax Roll required in Sec. 70.73 Wis. Stats.

k. Receive Assessment Roll

The Town Clerk/Treasurer of the Town of Fox Lake shall receive from the assessor on or before the first Monday in May the completed Assessment Roll as required by Sec. 70.50 Wis. Stats.

## **D. TOWN ASSESSOR ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Town Assessor Ordinance”. The purpose of this ordinance is to define the manner in which a Town Assessor is to be selected, to define the duties and powers of the Town Assessor and prescribe the manner in which those duties and powers are to be performed.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific authority, powers and duties, pursuant to Sec. 60.10 and 60.307 Wis. Stats., and has, with authorization of the Town meeting, additional statutory authority, powers and duties related to assessors. This authority does not apply to any Town within the jurisdiction of a County Assessor under Sec. 70.99 Wis. Stats.

The Town of Fox Lake Town meeting, pursuant to Sec. 60.10 Wis. Stats., dated April 10, 1978 provided the Town Board of the Town of Fox Lake with the authority to select and retain Town Assessors for the Town of Fox Lake. The Town Board of the Town of Fox Lake has selected by appointment a Town Assessor.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by the adoption of this ordinance, confirmed the specific statutory authority, powers and duties established in Chapter 60, 66, 70 and 79 Wis. Stats., and has established, pursuant to the above noted chapters and this ordinance, other statutory authority, powers and duties of the Town Assessor of the Town of Fox Lake.

The Town Board of the Town of Fox Lake shall appoint an independent contractor assessor pursuant to Sec. 60.307 Wis. Stats. The assessor shall be appointed on the basis of merit, experience and general qualifications. The term of the appointment for the assessor and the contract made with the assessor shall not exceed six (6) years. All persons responsible for the assessment shall be certified assessors under Sec. 73.09 Wis. Stats. Their designees shall file an oath under Sec. 19.01 Wis. Stats., and shall sign the affidavit attached to the assessment roll under Sec. 70.49 Wis. Stats.

### **Section 4: General Statutory Authority, Powers and Duties of Town Assessor**

The Town Assessor of the Town of Fox Lake shall have all the statutory authority, powers and duties for property tax assessment required of the Town Assessor pursuant to Chapters 60, 66, 70 and 79 Wis. Stats.

## **E. TOWN MUNICIPAL JUDGE ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Town Municipal Judge Ordinance”. The purpose of this ordinance is to define the duties and powers of the Town Municipal Judge and to prescribe the manner in which those duties and powers are to be performed.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific authority, powers and duties, pursuant to Sec. 60.36, 60.37 and Sec. 755.01 Wis. Stats. to provide for the election of a Municipal Judge and to provide for the operation and maintenance of the court, including employees for the court.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by the adoption of this ordinance, confirmed the statutory authority, powers and duties noted above in Chapter 60 and 755 Wis. Stats. and has established, pursuant to these chapters and this ordinance, the powers and duties of the Town Board of the Town of Fox Lake to provide for the operation and maintenance of a municipal court system and to provide for the election of a Municipal Judge.

### **Section 4: Term of Office**

The term of office for Municipal Judge of the Town of Fox Lake shall be four (4) years. The term shall commence on May 1 of an odd-numbered year and shall end April 30 four years hence.

### **Section 5: Oath and Bond**

The Municipal Judge of the Town of Fox Lake shall file the appropriate oath and bond as required by Chapter 1 J and Sec. 755.03 Wis. Stats.

### **Section 6: Salary and Fees**

The salary affixed for the Municipal Judge of the Town of Fox Lake shall be in lieu of fees and costs. The salary shall be affixed by the Town Board of the Town of Fox Lake before the start of every year of service. The salary of the Municipal Judge can not be decreased during the term of office, but no salary will be paid until the appropriate oath and bond have been properly executed.

### **Section 7: Joint Municipal Court/Single Jurisdiction**

This municipal court in the Town of Fox Lake is a single jurisdiction court system.

### **Section 8: Jurisdiction**

The municipal court of the Town of Fox Lake has exclusive jurisdiction in the Town of Fox Lake over any action in which the Town of Fox Lake rules to impose forfeiture for violation of Town of Fox Lake ordinances unless the action is transferred under Sec. 800.04(1) or Sec. 800.05(3) Wis. Stats., to a court of review. If equitable relief is sought or demanded, the municipal court in the Town of Fox Lake does not have jurisdiction.

The Municipal Judge of the Town of Fox Lake is authorized to issue inspection warrants under Sec. 66.122 and Sec. 66.123 Wis. Stats. The Municipal Judge may order the payment of restitution for violation of ordinances in conformity with Sec. 943.24 and Sec. 943.50 Wis. Stats. The restitution provided shall be under Sec. 943.24(5) or 943.50(5) Wis. Stats.

### **Section 9: Sessions of Court**

The municipal court of the Town of Fox Lake shall be open as determined by the Municipal Judge of the Town of Fox Lake.

**Section 10: Office**

The Municipal Judge of the Town of Fox Lake shall keep his or her office and hold court in the Town Hall in the Town of Fox Lake. No Municipal Judge shall, in the Town of Fox Lake, have an office or hold court in a tavern or in a room in which intoxicating liquors are sold or in a room connecting therewith. No Municipal Judge may hold court or keep his or her office with a practicing attorney unless the attorney is his or her law partner and the partner shall not act as attorney before the Municipal Judge.

**Section 11: Employees**

The Town Board of the Town of Fox Lake authorizes the appointment by the Municipal Judge of the Town of Fox Lake of employee(s) for the municipal court. The Town Board of the Town of Fox Lake shall fix the salaries and benefits of these employees.

**Section 12: Compliance with State Law**

The Municipal Judge of the Town of Fox Lake shall comply with Chap. 755 Wis. Stats.

## **F. SPECIAL OFFICE ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Special Office Ordinance”. The purpose of this ordinance is to define the duties and powers of the Town Special Offices and to prescribe the manner in which those duties and powers are to be performed.

### **Section 2: Authority**

The Town Board or the Town Chair of the Town of Fox Lake have the specific statutory authority, powers and duties, pursuant to Sec. 60.22 and 60.24 Wis. Stats., and have, as noted, in the subsections in Section (4) of this ordinance the specific statutory authority, powers and duties to establish the special offices and to retain or appoint members to those special offices noted in Section (4) of this ordinance to remove the members of these special offices, to compensate members of these special offices, to establish the powers and duties of these special offices and to terminate those special offices noted in Section (4).

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted above in Chapter 60 Wis. Stats., and as noted, the specific statutory authorities, powers and duties in the subsections in Section (4) of this ordinance and has established, pursuant to Chapter 60 Wis. Stats., and this ordinance, the powers to establish these special offices, the powers to retain or appoint these special officers, the powers to remove the members in these special offices, the powers to establish the powers and duties of these special offices and the powers to terminate these special offices.

### **Section 4: Special Offices**

#### **a. Weed Commissioner**

##### **1) Appointment/Termination**

The Town Chair of the Town of Fox Lake may, pursuant to Sec. 66.97 Wis. Stats., appoint. on or before May 15<sup>th</sup> of each year, a Weed Commissioner or Weed Commissioners. The person(s) appointed will hold the office for one (1) year and until a successor has been qualified. If more than one (1) person is appointed, the Town Chair of the Town of Fox Lake shall divide the Town of Fox Lake into districts and each Weed Commissioner shall be assigned a district.

##### **2) Compensation**

The Town Board of the Town of Fox Lake shall establish the compensation for the Weed Commissioner(s).

##### **3) Duties**

The Town of Fox Lake Weed Commissioner(s) shall have the powers and duties established in Sec. 66.96 through 66.99 Wis. Stats., plus any other powers and duties established by the Town Board of the Town of Fox Lake. The appropriate bond shall be filed prior to taking office.

b. Town Police and Fire Commission

1) Appointment/Termination

The Town Board of the Town of Fox Lake may, pursuant to Sec. 60.57 Wis. Stats., establish a Board of Police Commissioners if the Town of Fox Lake has a police department. The Town Board of the Town of Fox Lake may, pursuant to Sec. 60.57 Wis. Stats., establish a Board of Fire Commissioners if the Town of Fox Lake has a fire department. The Town Board of the Town of Fox Lake may, pursuant to Sec. 60.57 Wis. Stats., establish a Board of Police and Fire Commissioners if the Town of Fox Lake has a fire and police department.

The Town Board of the Town of Fox Lake did at its regular monthly meeting on November 14, 1994 establish a Police Committee. The Police Committee shall consist of 3 members, none of whom shall be officers or employees of the Town, appointed by the Town Chairman, subject to confirmation by the Town Board, for staggered 3 year terms.

2) Compensation

All costs and expenses of the Town of Fox Lake Board of Police and/or Fire Commissioners shall be approved by the Town Board prior to being incurred by the Town of Fox Lake Board of Police and/or Fire Commissioners.

3) Duties

The Town of Fox Lake Police and/or Fire Commissioners shall have duties and powers established in Sec. 60.57 and 62.13 Wis. Stats., plus any other powers and duties established by the Town Board of the Town of Fox Lake. The appropriate bond shall be filed prior to taking office.

c. Town Attorney

1) Retention

The Town Board of the Town of Fox Lake may, pursuant to Sec. 60.37 Wis. Stats., designate, retain or employ one (1) or more attorneys on a temporary or continuing basis for legal matters or to represent the Town of Fox Lake in legal proceedings.

2) Compensation

The Town Board of the Town of Fox Lake shall negotiate and establish the compensation in a contract for the designation, retention or employment of an attorney based on a regular salary, per diem rate, retainer, hourly rate, or other methods agreed to by the attorney and the Town Board of the Town of Fox Lake.

3) Duties

The attorney has the duties and powers established in Sec. 60.37 Wis. Stats., plus any other additional powers and duties established pursuant to the retention, contract between the Town Board of the Town of Fox Lake and the attorney. The appropriate bond shall be filed prior to the Town Board of the Town of Fox Lake executing the retention contract.



d. Town Auditor/Accountant

1) Retention

The Town Board of the Town of Fox Lake may, pursuant to Sec. 60.41 and 60.43 Wis. Stats., designate, retain or employ one (1) or more accountants, including certified public accountants, on a temporary or continuing basis for financial matters or to represent the Town of Fox Lake in financial matters.

2) Compensation

The Town Board of the Town of Fox Lake shall negotiate and establish the compensation in a contract for the designation, retention or employment of an accountant based on a regular salary, per diem rate, retainer, hourly rate or other methods agreed to by the accountant and the Town Board of the Town of Fox Lake.

3) Duties

The accountant has the duties and powers established in Sec. 60.41 and 60.43 Wis. Stats., plus any additional powers and duties established pursuant to the retainer contract between the accountant and the Town Board of the Town of Fox Lake. The appropriate bond shall be filed prior to the Town Board of the Town of Fox Lake executing the written contract.

e. Town Building Inspector

1) Appointment/Termination

The Town Chair of the Town of Fox Lake may pursuant to Sec. 60.91 Wis. Stats. appoint on or before May 15<sup>th</sup> of each year a Building Inspector. The person appointed will hold the office for one (1) year and until a successor has been qualified.

2) Compensation

The Town Board of the Town of Fox Lake shall establish the compensation of the Building Inspector.

3) Duties

The Town of Fox Lake Building Inspector shall have the powers and duties established in Sec 62.17 Wis. Stats. plus any other powers and duties established by the Town Board of the Town of Fox Lake. The appropriate bond shall be filed prior to taking office.

**Section 5: Responsibilities for Special Offices**

The Town Board of the Town of Fox Lake or the Town Chair of the Town of Fox Lake has appointed or has retained persons to the special offices noted in Section (4). These persons, once appointed or retained, shall be provided to the following from the Town of Fox Lake:

Every person who holds a special office noted in Section (4) shall be a resident of the Town of Fox Lake upon appointment or retention except for the below noted offices. The person shall remain a resident of the Town of Fox Lake while he or she holds the special office. If the person no longer resides in the Town of Fox Lake, then the office shall be considered vacant and the appropriate appointing authority shall appoint new persons to these offices within thirty (30) days after a vacancy has been declared by the Town Board of the Town of Fox Lake.

The following special office positions need not be Town of Fox Lake residents to hold these positions:

- a. Town Attorney
- b. Town Auditor/Accountant
- c. Town Building Inspector

Every person appointed to a special office must be at least eighteen (18) years of age at the time of appointment.

All special offices and special office holders shall, in their special office duties, comply with the state open meeting law, the state open record law and the Town of Fox Lake Open Meeting and Open Record Ordinances.

Special office holders shall attend or make all good faith efforts to attend all properly called meetings of the Town Board of the Town of Fox Lake, if their attendance is requested at least seven (7) days prior to the meeting.

The Town Board of the Town of Fox Lake shall, at least annually, prior to October of each year, review the effectiveness of any special offices in the Town of Fox Lake. The Town Board of the Town of Fox Lake shall, by December, prepare and develop recommendations that 1) the special office or offices be continued, 2) the special office or offices be abolished or 3) the special office or offices be continued with recommended changes in operation, structure, administration or membership. These recommendations shall be in writing and shall be filed with the Town Clerk/Treasurer of the Town of Fox Lake.

The special office holders, other than the specific compensation and reimbursement for costs and expenses noted in Section (4), shall not be entitled to any Town of Fox Lake financial benefits, vacation benefits, health benefits, training programs, educational programs, insurance benefits, paid leave benefits or other benefits.

All special office holders shall be considered public officers under Sec. 895.46 Wis. Stats., and shall be entitled to the appropriate legal defense reimbursement or retainer or indemnification established in Sec. 895.35 and 895.46 Wis. Stats., while acting within his or her scope of employment or official capacity. Special officers shall notice immediately the Town Clerk/Treasurer of the Town of Fox Lake of any claim or action brought against the special officer in any way related to his or her scope of employment or official capacity.

## **G. VILLAGE POWERS ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Village Powers Ordinance”. The purpose of this ordinance is to permit the Town Board of the Town of Fox Lake to exercise the powers given to village boards by Wisconsin Statutes.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake, with certain actions of the annual Town meeting or any special Town meeting in the Town of Fox Lake, pursuant to Sec. 60.10(2) Wis. Stats., may obtain, by resolution, the right for the Town Board of the Town of Fox Lake to exercise, pursuant to Sec. 60.22 Wis. Stats., powers of a village board under Chap. 61 Wis. Stats., except that the Town Board of the Town of Fox Lake cannot exercise those village board powers which conflict with statutes relating to Towns and Town Boards. This resolution, by the Town meeting, is to be general and continuing. This grant of legislative and administrative power to the Town Board of the Town of Fox Lake is to be known as “village powers”.

### **Section 3: Adoption of Ordinance**

The Town meeting of the Town of Fox Lake dated July 12, 1973 (recessed meeting of April 3, 1973) did authorize, by adoption of a resolution, and the Town Board of the Town of Fox Lake does, by adoption of this ordinance, confirm that the Town Board of the Town of Fox Lake has the specific authority, powers and duties noted above in Chapter 60 and 61 Wis. Stats., and has established pursuant to these chapters and this ordinance the powers and duties of the Town Board of the Town of Fox Lake to exercise village board powers pursuant to Sec. 60.22 and 61.34, (2003-04) Wis. Stats., and subject to the conditions established in Sec. 60.22 Wis. Stats.

## **H. ELECTION/ELIGIBILITY FOR OFFICE ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Election/Eligibility for Office Ordinance”. The purpose of this ordinance is to describe the election procedures and terms of office for various Town Officials.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific authority, pursuant to Sec. 5.15, 5.25, 5.40, 5.91, 6.27, 6.79, 8.05, 60.10, 60.21, 60.30, 60.305, 60.307 and 66.11 Wis. Stats., to regulate elections, establish election procedures and to establish certain offices and the terms of those offices.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the statutory authority, powers and duties in Chapters 5, 6, 8, 60, and 66 Wis. Stats., and establishes, pursuant to the above noted chapters and this ordinance, other statutory authority, powers and duties of the Town Board of the Town of Fox Lake related to certain elections, certain election procedures and certain offices and the terms of those offices.

### **Section 4: April Election**

#### **a. General Authority**

At the annual spring April election in the odd numbered years, except Town Municipal Judge with the election of 2011 shall be elected in the odd numbered years every fourth year, the Town of Fox Lake shall elect, the following Town officers, namely:

- 1) Town Chair Person
- 2) Town Board Supervisors #1 and #2
- 3) Town Clerk/Treasurer
- 4) Town Municipal Judge

At the annual spring April election in the even numbered years, the Town of Fox Lake shall elect the following Town officers, namely

- 1) Town Board Supervisors #3 and #4

Terms of office for Town Chair Person, Town Supervisors and Town Clerk/Treasurer shall be for two (2) years commencing and ending on the 3<sup>rd</sup> Tuesday in April. The term of office for Town Municipal Judge beginning with the April, 2011 election shall be four (4) years

#### **b. Combining Offices**

In lieu of the above noted elected officers, the annual Town meeting or any special Town meeting of the Town of Fox Lake may combine the following offices and may designate their status as full-time or part-time office, namely:

- 1) Town Clerk and Town Treasurer

The Town of Fox Lake Town meeting dated April 14, 2001 has, by resolution and the Town Board of the Town of Fox Lake has confirmed by this ordinance, combined the offices of Town Clerk and Town Treasurer.

c. Appointing the Town Assessor

In lieu of the elected office of Town Assessor, the Town Board of the Town of Fox Lake, pursuant to the authority granted to it by the Town of Fox Lake annual Town meeting dated April 10, 1978 has the authority to appoint the Town Assessor of the Town of Fox Lake and any assistants.

d. Abolish Office of Town Constable

The Town of Fox Lake Town meeting dated April 12, 1982 has abolished, by resolution and the Town Board of the Town of Fox Lake has confirmed by this ordinance, the office of Town Constable of the Town of Fox Lake.

**Section 5: Term of Office for Town Board**

The Town Board of the Town of Fox Lake shall, if the Town board contains three (3) Town board supervisors, be elected in the spring election in April in the odd numbered years. If the number of Town board supervisors in the Town of Fox Lake is or has been expanded to four (4) members by ordinance of the Town Board of the Town of Fox Lake, then two (2) Town board supervisors will be elected in the spring election in April of the even numbered years and two (2) Town board supervisors will be elected in the spring election in April in the odd numbered years.

If the number of Town board supervisors of the Town of Fox Lake is or has been expanded to five (5) members by ordinance of the Town Board of the Town of Fox Lake, then three (3) Town board supervisors, including the Town Chair, will be elected in the spring election in April of the odd numbered years and two (2) Town board supervisors will be elected in the spring election in April of the even numbered years.

The Town Board of the Town of Fox Lake has, by this ordinance and pursuant to Sec. 60.21, Wis. Stats., created or recreated a Town Board containing five (5) members.

The Town Board of the Town of Fox Lake, by this ordinance, established the following election terms for the following members: the Town Chair and Supervisors #1 and #2 will be elected in the spring election in April of the odd numbered years; and Supervisors #3 and #4 will be elected in the spring election in April of the even numbered years.

**Section 6: Nomination for Office**

Every candidate for an elected office in the Town of Fox Lake shall be nominated by a Town caucus unless the electors have by referendum or unless the electors have by a Town meeting provided for nomination of elective Town officers by a non partisan primary.

The Town of Fox Lake Town meeting has adopted, by resolution and the Town Board of the Town of Fox Lake has confirmed by this ordinance, a Town of Fox Lake non partisan primary for nomination of elective Town officers in the Town of Fox Lake.

**Section 7: Eligibility for Office/Incompatibility of Office**

Any person who is a qualified elector in the Town of may hold any elected Town office in the Town of Fox Lake. No member of the Town Board of the Town of Fox Lake may, during his or her term, be eligible for any Town office or Town position which, during such term, the office or position has been created by or the selection to which is vested in the Town Board of the Town of Fox Lake. Any member of the Town Board of the Town of Fox Lake will be eligible for such Town office or Town position if he or she resigns from the Town Board of the Town of Fox Lake before being appointed to the Town office or Town position and if the office or position was not created during his or her term in office.

## **Section 8: Election Procedure**

### **a. Registration of Electors**

The Town of Fox Lake per Wis. Stats., requires voter registration.

### **b. Polling Hours**

The Town of Fox Lake shall have the election polls open on Election Day from 7:00 a.m. to 8:00 p.m.

### **c. Polling Locations**

The polling locations for the Town of Fox Lake shall be at the Town Hall of the Town of Fox Lake unless designated otherwise by the Town Board of the Town of Fox Lake.

### **d. Wards**

The Town of Fox Lake has a population of one thousand (1,000) or more and therefore, the Town of Fox Lake must be divided into voting wards. Based on the current population, the Town of Fox Lake will be divided into four (4) wards. The Town of Fox Lake annual Town meeting and any special Town elections shall be held in the 2<sup>nd</sup> ward.

### **e. Type of Voting Machines**

The Town of Fox Lake shall require use of paper ballots or voting machines and if the population is ten thousand (10,000) or more, then voting machines are required.

## **J. OFFICIAL OATH AND BOND ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Official Oath and Bond Ordinance”. The purpose of this ordinance is to define the required oath of office and any appropriate bond required of Town Officers.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to Sec. 60.20, 60.22 and 60.31 Wis. Stats., to require that certain elected officials take an official oath and to require that they file the appropriate bond.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by the adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in Chapter 60 Wis. Stats., and has established, pursuant to the chapter noted above and this ordinance, other statutory authority, powers and duties of the Town Board of the Town of Fox Lake related to requiring the taking of oaths and the filing of bonds.

### **Section 4: Oath**

#### **a. General Provision**

All elected officers and appointed officers of the Town of Fox Lake, except elected assessors and municipal judges, shall take and file the below noted oath within five (5) days after notification of election or appointment by the Town Clerk/Treasurer of the Town of Fox Lake. The written oath of office and the oral oath of office, pursuant to Sec. 19.01 Wis. Stats., shall be substantially in the following form:

#### **Written Oath**

STATE OF WISCONSIN,

County of Dodge

I, the undersigned, who have been elected (or appointed) to the office of \_\_\_\_\_, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature

#### **Oral Oath**

I, \_\_\_\_\_ swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully and impartially discharge the duties of the office of \_\_\_\_\_ to the best of my ability. So help me God.

#### **b. Elected Assessors and Municipal Judges**

Any elected assessor shall take and file the official oath noted above at anytime between May 27 and May 31 each year or within ten (10) days of appointment to fill vacancy. Any municipal

judge shall take and file the below noted written oath prior to acting as judge. The municipal judge written oath shall be substantially in the following form:

STATE OF WISCONSIN

County of Dodge

I, the undersigned, who have been elected (or appointed) to the office of \_\_\_\_\_, but have not yet entered upon the duties thereof, do solemnly swear that I will support the constitution of the United States and the constitution of the state of Wisconsin; that I will administer justice without respect to persons and will faithfully and impartially discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature

c. Filing Locations

The official oath of all elected officers and appointed officers of the Town of Fox Lake shall be filed with the Town Clerk/Treasurer of the Town of Fox Lake except that the Town Clerk/Treasurer of the Town of Fox Lake shall file his or her oath with the Town Chair Person of the Town of Fox Lake and except that the municipal judge shall file his or her oath with the Clerk of the Circuit Court for the County of Dodge.

d. Failure to File Oath

If any elected officer or appointed officer of the Town of Fox Lake fails to file the proper oath within the time prescribed by statute, the failure to file constitutes refusal to serve in the office. No municipal judge in the Town of Fox Lake shall be paid a salary for anytime during the term during which the municipal judge has not executed and filed his or her oath.

**Section 5: Bonds**

a. General Provision

The following officers of the Town of Fox Lake shall be required to execute and file an appropriate bond.

Office

- 1) Town Clerk/Treasurer
- 2) Elected Assessor
- 3) Municipal Judge

The bond costs shall be provided by the Town of Fox Lake. No natural person may be a surety on a bond. The bond may be furnished by a surety company under Sec. 632.17(2) Wis. Stats. The Town Board of the Town of Fox Lake has, by this ordinance, established the amounts of the bonds. The Town Board of the Town of Fox Lake may at anytime determine that any bond amount noted above is insufficient or in excess and may therefore require any officer noted above to file a new bond within ten (10) days, in an amount fixed by the Town Board of the Town of Fox Lake.

b. Filing Location



The official bond shall be filed with the Town Clerk/Treasurer of the Town of Fox Lake except that the Town Clerk/Treasurer of the Town of Fox Lake shall file his or her bond with the Town Chair Person of the Town of Fox Lake and except that the municipal justice shall file his or her bond with the Clerk of Circuit Court for the County of Dodge.

c. Failure to File Bond

The elected officers and appointed officers of the Town of Fox Lake required to file a bond shall file the required bond before entering upon the duties of the office. If the elected officers and appointed officers of the Town of Fox Lake fail to file the required bond within the time prescribed by law, the failure to file the required bond constitutes refusal to serve in office and the office can be declared vacant by the Town Board of the Town of Fox Lake. No municipal judge of the Town of Fox Lake shall be paid a salary for anytime during the term during which the municipal judge has not executed and filed the required bond.

## TOWN MEETINGS

### **A. ANNUAL TOWN AND SPECIAL TOWN MEETING ORDINANCE**

#### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Annual Town and Special Town Meeting Ordinance”. The purpose of this ordinance is to establish those matters which may be considered at annual and special town meetings and to define the powers and duties of the citizens and officials of the Town of Fox Lake at such meetings.

#### **Section 2: Authority**

The regular and special Town meetings of the residents of the Town of Fox Lake have the statutory authority, powers and duties pursuant to Sec. 60.10, 60.11, 60.12, 60.13, 60.14, 60.15 and 60.16 Wis. Stats., to manage and direct certain affairs of the Town of Fox Lake.

#### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted above and have established the powers and duties of the regular and special Town meetings of the residents of the Town of Fox Lake.

#### **Section 4: Requirement for Annual Meeting and Time of Annual Meeting**

The Town of Fox Lake shall hold, unless otherwise noted, the annual Town meeting on the third (3rd) Tuesday of April. The annual Town meeting shall convene at 7:30 p.m. and shall adjourn upon a vote of the majority of the qualified electors present and voting at time of adjournment. The Town of Fox Lake annual Town meeting may be recessed to a time and date certain if the second meeting is held within thirty (30) days after the date of the original annual Town meeting.

The Town of Fox Lake annual Town meeting may be set on a date different than the third (3rd) Tuesday of April if the prior Town of Fox Lake annual Town meeting selected a different date and if the date selected is within ten (10) days after the third (3rd) Tuesday of April. With a different date selected, the Town Clerk/Treasurer of the Town of Fox Lake shall, not more than twenty (20) days or less than fifteen (15) days before the new date, publish a Class 2 notice of the annual Town meeting pursuant to Chapter 985 Wis. Stats. If the Town of Fox Lake has designated a weekly publication as the official general circulation newspaper, the Town Clerk/Treasurer shall post the meeting notice in at least three (3) public places and publish once in the official newspaper. The notice shall state the proposed date, time and location of the annual Town meeting, and if the Town Clerk/Treasurer also post notice in the usual and customary locations, the same time and notice content requirements shall apply.

#### **Section 5: Location for Annual Town Meeting**

The Town of Fox Lake annual Town meeting shall be held at the Town Hall. Every Town of Fox Lake annual Town meeting will be held at this location unless the location is changed by the Town Board of the Town of Fox Lake.

If the Town Board of the Town of Fox Lake does change the location of the annual Town meeting, the Town Clerk/Treasurer of the Town of Fox Lake shall publish a Class 2 notice under Chapter 985 Wis. Stats., stating the new location of the annual Town meeting. This notice shall be published by the Town Clerk/Treasurer of the Town of Fox Lake not more than twenty (20) days or less than fifteen (15) days prior to the date of the annual Town meeting. If the Town of Fox Lake has designated a weekly publication as the official general circulation newspaper, the Town Clerk/Treasurer shall post the meeting notice in at least three (3) public places and publish once in the official newspaper.

## **Section 6: Notice of Annual Town Meeting**

The Town Board of the Town of Fox Lake need not, by state law, provide public notice of the annual Town meeting unless the date, time or location has been changed. If the date, time or location has been changed, then the Town Clerk/Treasurer of the Town of Fox Lake shall comply with the notice requirements noted in Sec. (3) and Sec. (4) noted above.

If the Town Board of the Town of Fox Lake decides to provide public notice of the annual Town meeting, the Town Clerk/Treasurer of the Town of Fox Lake shall publish a public notice in the official newspaper and shall post public notice in at least three (3) of the usual and customary locations in the Town of Fox Lake.

## **Section 7: Jurisdiction of Annual Town Meeting**

The Town of Fox Lake annual Town meeting may transact any business at the annual Town meeting or at any properly adjourned annual Town meeting over which the annual Town meeting has legal jurisdiction. The Town of Fox Lake annual Town meeting or any properly adjourned annual Town meeting shall not transact business where the legal jurisdiction to transact that business is with the Town Board of the Town of Fox Lake.

The Town meeting may take advisory votes on matters that pertain to actions that could or should be taken by the Town Board of the Town of Fox Lake or any other Town official.

## **Section 8: Presiding Officer of Annual Town Meeting and Special Town Meeting**

The Town of Fox Lake annual Town meeting and any other special Town meeting shall have as the presiding officer of the annual Town meeting or special Town meeting the Town Chair of the Town of Fox Lake. If the Town Chair of the Town of Fox Lake is absent, another member of the Town Board of the Town of Fox Lake shall be elected the presiding officer of the annual Town meeting or special Town meeting by a majority vote of the qualified electors of the Town of Fox Lake present and voting at the annual Town meeting or special Town meeting. If no member of the Town Board of the Town of Fox Lake is present, the qualified electors at the annual Town meeting or special Town meeting shall elect the presiding officer of the annual Town meeting or special Town meeting by a majority vote of the qualified electors present and voting.

If the Town of Fox Lake annual Town meeting is held in a year when the office of Town Chair of the Town of Fox Lake is filled by election, the person holding the position of Town Chair of the Town of Fox Lake on the date prior to the election to fill the office of Town Chair of the Town of Fox Lake shall preside as presiding officer of the Town of Fox Lake annual Town meeting. The Town Chair is entitled to receive, pursuant to Sec. 60.13 Wis. Stats., any per diem which is ordinarily paid to a presiding officer of the Town of Fox Lake annual Town meeting. If such person is absent from the Town of Fox Lake annual Town meeting, the presiding officer of the Town of Fox Lake annual Town meeting shall be chosen under par. (a) noted above.

## **Section 9: Order of Business of Annual Town Meeting and Special Town Meeting**

At the Town of Fox Lake annual Town meeting or at any other special Town meeting, the presiding officer of the annual Town meeting or special Town meeting shall state the business to be transacted and the order in which the business will be considered. No proposal by any person to levy a tax for the Town of Fox Lake, except a tax to defray necessary Town of Fox Lake expenses shall be acted on out of the order stated by the presiding officer of the annual Town meeting or special Town meeting.

## **Section 10: Method of Action by Electors**

At the Town of Fox Lake annual Town meeting or at any other special Town meeting all action shall be by vote. All questions shall be decided by the majority of the qualified electors present and voting. Only qualified electors may vote at a Town of Fox Lake annual Town meeting or special Town meeting.

### **Section 11: Enforcement Authority at Annual Town Meeting and Special Town Meeting**

The presiding officer of the Town of Fox Lake annual Town meeting or special Town meeting shall maintain order and decorum. The presiding officer of the Town of Fox Lake annual Town meeting or special Town meeting may order any person to leave a Town of Fox Lake annual Town meeting or special Town meeting if this person has conducted himself or herself in a disorderly manner and has persisted on such conduct after being requested by the presiding officer of the annual Town meeting or special Town meeting to cease such conduct. If the person refuses the order of the presiding officer of the annual Town meeting or special Town meeting, the presiding officer then may order a constable or other law enforcement officer to take the person into custody until the annual Town meeting or special Town meeting is adjourned.

### **Section 12: Reconsideration of Actions**

At the Town of Fox Lake annual Town meeting or special Town meeting a vote may only be reconsidered at the same annual Town meeting or special Town meeting at which the vote was taken if the qualified electors at the Town of Fox Lake annual Town meeting or special Town meeting vote to reconsider within one (1) hour after the initial vote was taken.

No action of the annual Town meeting or special Town meeting may be reconsidered at a subsequent special Town meeting held prior to the next Town of Fox Lake annual Town meeting unless a special Town meeting is convened pursuant to Sec. 60.12(1)(b) Wis. Stats., or Sec. 60.12(1)(c) Wis. Stats., and the written request or call for a special Town meeting which states that the purpose for the special Town meeting is reconsideration of prior action taken at a prior annual Town meeting or at a prior special Town meeting.

### **Section 13: Town Clerk/Treasurer Duties at Annual Town Meeting and Special Town Meeting**

At the Town of Fox Lake annual Town meeting or at any other special Town meeting, the Town Clerk/Treasurer of the Town of Fox Lake shall serve as Clerk/Treasurer of the annual Town meeting or special Town meeting. If the Town Clerk/Treasurer of the Town of Fox Lake is absent, the presiding officer of the annual Town meeting or special Town meeting shall appoint a Clerk/Treasurer pro tem as Clerk/Treasurer for the annual Town meeting or for the special Town meeting.

The Clerk/Treasurer of the annual Town meeting or special Town meeting shall keep the minutes of the annual Town meeting or special Town meeting. The Clerk/Treasurer of the annual Town meeting or special Town meeting shall keep a poll list of electors if required by prior annual Town meeting actions of the Town of Fox Lake with the poll list to contain the names and address of every elector voting at the annual Town meeting or special Town meeting.

The minutes of the annual Town meeting or special Town meeting shall be signed by the Clerk/Treasurer of the annual Town meeting or special Town meeting and these minutes shall be filed in the office of the Town Clerk/Treasurer of the Town of Fox Lake within five (5) days after the annual Town meeting or special Town meeting.

## **Section 14: Special Town Meeting**

In the Town of Fox Lake a special Town meeting may be convened if:

- a. Called by any annual Town meeting or special Town meeting.
- b. Called by written request, signed by a number of electors equal to but not less than ten percent (10%) of the votes cast in the Town of Fox Lake for governor at the last general election as filed with the Town Clerk/Treasurer of the Town of Fox Lake.
- c. Called by the Town Board of the Town of Fox Lake.

Special Town meeting request or special Town meeting call shall contain the time, date and purpose of the special Town meeting. The locations for the special Town meeting shall be where the preceding annual Town meeting was held, unless the location is changed by the Town Board of the Town of Fox Lake. A special Town meeting may be reconvened to a time and date certain if the resumed special Town meeting is held within thirty (30) days of the original scheduled special Town meeting.

Any business which may be transacted by the annual Town meeting of the Town of Fox Lake may be transacted at a special Town meeting. The Town Clerk/Treasurer of the Town of Fox Lake not more than twenty (20) days or less than fifteen (15) days before the date of the special Town meeting, shall publish a Class 2 public notice of the special Town meeting under Chap. 985, (2003-04) Wis. Stats. The public notice shall state the purpose, date, time and location of the special Town meeting. If the Town of Fox Lake has designated a weekly publication as the official general circulation newspaper, the Town Clerk/Treasurer shall post the meeting notice in at least three (3) public places and publish once in the official newspaper. If, in addition, public notice is posted at the usual and customary location, the same time and content requirements shall apply.

## **Section 15: Specific Statutory Authority, Powers and Duties Pursuant to Sec. 60.10 Wis. Stats., of Annual Town Meeting and Special Town Meeting**

### **a. Direct Powers**

#### **1) Raise Money**

The Town meeting of the Town of Fox Lake may raise money, including levying taxes, to pay for expenses of the Town of Fox Lake, unless the authority has been delegated to the Town Board of the Town of Fox Lake under Sec. 60.10(2)(a) noted herein.

#### **2) Town Offices and Officers**

The Town meeting of the Town of Fox Lake may fix the compensation of elective Town offices under Sec. 60.32 Wis. Stats., unless the authority has been delegated to the Town Board of the Town of Fox Lake under Sec. 60.10(2)(k) noted herein for non-voting officers.

The Town meeting of the Town of Fox Lake did on April 10, 1986 authorize and delegate the power to the Town Board of the Town of Fox Lake to fix the compensation of the elected Municipal Judge of the Town of Fox Lake.

#### **3) Combine Offices of Town Clerk and Town Treasurer**

The Town meeting of the Town of Fox Lake may combine the offices of Town Clerk of the Town of Fox Lake and the Town Treasurer of the Town of Fox Lake under Sec 60.10(1)(b)2 Wis. Stats.

The Town of Fox Lake Town meeting dated April 14, 2001 has, by resolution and the Town Board of the Town of Fox Lake has confirmed by this ordinance, combined the offices of Town Clerk and Town Treasurer.

#### 4) Office of Town Constable

The Town meeting of the Town of Fox Lake may establish or abolish the office of Town Constable of the Town of Fox Lake and establish the number of constables. Such action is effective at the end of the current election term.

The Town meeting of the Town of Fox Lake did on April 12, 1982 abolish the office of Town Constable of the Town of Fox Lake.

#### 5) Designation of Full-Time or Part-Time status for Town Clerk/Treasurer.

The Town meeting of the Town of Fox Lake may designate the combined office of Clerk/Treasurer as part-time under Sec. 60.10(1)5 Wis. Stats.

The Town of Fox Lake Town meeting dated April 14, 2001 has, by resolution and the Town Board of the Town of Fox Lake has confirmed by this ordinance, designated the office of Town Clerk/Treasurer as part-time.

#### 6) Election of Town Officers

The annual Town meeting of the Town of Fox Lake may adopt a plan under Sec. 5.60(6) Wis. Stats., to elect Town board supervisors at large to numbered seats.

#### 7) Nomination of Officers

The Town meeting of the Town of Fox Lake may provide, under Sec. 8.05(3)(a) Wis. Stats., for the nomination of candidates for elective Town offices at a nonpartisan primary election.

#### 8) Public Waterways

The Town meeting of the Town of Fox Lake may appropriate money for the improvement and maintenance of a public waterway under Sec. 81.05 Wis. Stats.

#### 9) Cemeteries

The Town meeting of the Town of Fox Lake may authorize the acquisition and conveyance of cemeteries under Sec. 157.50(1) Wis. Stats.

#### 10) Administrator Agreements

The Town meeting of the Town of Fox Lake may approve agreements to employ an administrator for more than three (3) years under Sec. 60.37 Wis. Stats.

### b. Directives or Grants of Authority to Town Board

### 1) Raise Money

The Town meeting of the Town of Fox Lake may authorize the Town Board of the Town of Fox Lake to raise money, including levying taxes, to pay for expenses of the Town of Fox Lake.

### 2) Exercise of Village Powers

The Town meeting of the Town of Fox Lake may authorize the Town Board of the Town of Fox Lake to exercise powers of a village board under Sec. 60.22(3) Wis. Stats. A resolution adopted under this paragraph is general and continuing.

The Town meeting of the Town of Fox Lake did on July 12, 1973 authorize the Town Board of the Town of Fox Lake to exercise village powers.

### 3) General Obligation Bonds

The Town meeting of the Town of Fox Lake may authorize the Town Board of the Town of Fox Lake to issue general obligation bonds in the manner and for the purposes provided by law.

### 4) Purchase of Land

The Town meeting of the Town of Fox Lake may authorize the Town Board of the Town of Fox Lake to purchase any land within the Town of Fox Lake for present or anticipated Town purposes.

### 5) Town Buildings

The Town meeting of the Town of Fox Lake may authorize the Town Board of the Town of Fox Lake to purchase, lease or construct buildings for the use of the Town of Fox Lake, to combine for this purpose the Town of Fox Lake funds with those of a society or corporation doing business or located in the Town of Fox Lake and to accept contributions of money, labor or space for this purpose.

### 6) Disposal of Property

The Town meeting of the Town of Fox Lake may authorize the Town Board of the Town of Fox Lake to dispose of Town property, real or personal, other than property donated to and required to be held by the Town of Fox Lake for a special purpose.

### 7) Exercise of Certain Zoning Authority

The Town meeting of the Town of Fox Lake may, in a Town located in a county which has adopted a zoning ordinance under Sec. 59.97 Wis. Stats. authorize, under Sec. 60.62(2) Wis. Stats., the Town Board of the Town of Fox Lake to adopt Town zoning ordinances under Sec. 61.35 Wis. Stats.

The Town Board of the Town of Fox Lake has been granted village powers pursuant to Sec. 60.10 Wis. Stats., and the town meeting dated April 13, 1996 approved the authority of the Town Board of the Town of Fox Lake to zone pursuant to Sec. 60.62 Wis. Stats.

### 8) Watershed Protection and Soil and Water Conservation

The Town meeting of the Town of Fox Lake may authorize the Town Board of the Town of Fox Lake to engage in watershed protection, soil conservation or water conservation activities beneficial to the Town of Fox Lake.

9) Appointed Assessors

The Town meeting of the Town of Fox Lake may authorize the Town Board of the Town of Fox Lake to select assessors by appointment under Sec. 60.307(2) Wis. Stats.

The Town meeting of the Town of Fox Lake did on April 10, 1978 authorize the Town Board of the Town of Fox Lake to select assessors by appointment.

10) Compensation of Elective Town Offices

The Town meeting of the Town of Fox Lake may authorize the Town Board of the Town of Fox Lake to fix the compensation of elective Town offices under Sec. 60.32(1)(b) Wis. Stats.

c. Authorization of Town Board to Appropriate Money

The Town meeting of the Town of Fox Lake may authorize the Town Board of the Town of Fox Lake to appropriate money in the next annual budget for:

1) Conservation of Natural Resources

The conservation of natural resources by the Town of Fox Lake or a bona fide nonprofit organization under Sec. 60.23(6) Wis. Stats.

2) Civic Functions

Civic and other functions under Sec. 60.23(3) Wis. Stats.

3) Insect, Weeds and Animal Diseases

The control of insect pests, weeds or plant or animal disease within the Town of Fox Lake.

4) Rural Numbering Systems

Posting signs and otherwise cooperating with the county in the establishment of a rural numbering system under Sec. 59.07(65) Wis. Stats.

5) Cemetery Improvements

The improvement of the Town of Fox Lake cemeteries under Sec. 157.50(5) Wis. Stats.

**B. OPEN MEETING ORDINANCE**



### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Open Meeting Ordinance”. The purpose of this ordinance is to define the manner in which meetings are scheduled, noticed and conducted so as to allow appropriate public access.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific authority, powers and duties, pursuant to Sec. 60.22, 60.24, 19.85, 19.89 and 19.90 Wis. Stats., to manage and direct public meetings in the Town of Fox Lake to comply with the state open meeting law.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the statutory authority, powers and duties of the Town of Fox Lake and Town of Fox Lake officers and has established, by the above noted chapters and this ordinance, the powers and duties of the Town Board of the Town of Fox Lake, the Town of Fox Lake employees and the Town of Fox Lake officers related to properly managing and directing Town of Fox Lake meetings under the state open meeting laws.

### **Section 4: Open Public Meeting**

All meetings of the Town Board of the Town of Fox Lake shall be held in open session and shall be open to the public, except as noted in Section 9. In addition, all meetings of any special offices, any committees, any commissions, any agencies, and boards and any other special government units of the Town of Fox Lake shall be held in open session and open to the public, except as noted in Section 9.

### **Section 5: Public Notice of Meeting**

#### **a. General Public Notice**

All meetings of the Town Board of the Town of Fox Lake and all meetings of any special offices, any committees, any commissions, any agencies, any boards or any other special government units of the Town of Fox Lake shall provide public notice of these meetings pursuant to Sec. 19.84 Wis. Stats., and pursuant to this ordinance.

#### **b. Responsible Person**

The Town Chair of the Town of Fox Lake, or his or her designee and the chair or presiding officer of any special office, committee, commission, agency, board or any other special government unit of the Town of Fox Lake, or his or her designee, shall be the responsible person to communicate orally or in writing notice of any meeting to any concerned media who have filed a written request for such public notice of meetings and to any official newspaper for the Town of Fox Lake.

#### **c. Additional Notice to Media**

In addition to the above noted, the Town Clerk/Treasurer of the Town of Fox Lake shall forward a copy of the adopted meeting annual calendar of the Town Board of the Town of Fox Lake to any concerned media and to any official newspaper for the Town of Fox Lake within thirty (30) days of its adoption. The Town Clerk/Treasurer of the Town of Fox Lake shall forward any change by the Town Board of the Town of Fox Lake in its annual meeting calendar related to the time or date of a regular meeting or to the location of a regular public meeting within seven (7) days of the formal change.

#### **d. Time for Notice**

The public notice of any meeting of the Town Board of the Town of Fox Lake and the public notice of any meeting of any special office, committee, commission, agency, board or any other special government unit of the Town of Fox Lake shall be given at least twenty-four (24) hours prior to the commencement of the meeting, unless for good cause such public notice is impossible or impractical, in which case, shorter notice may be given, but in no case may public notice of any meeting be provided less than two (2) hours in advance of the meeting.

e. Elements of Notice

Any written public notice of any meeting shall set forth the time, date, place and subject matter of the meeting, including any possible closed meeting and any subject matter intended for consideration of any possible closed session. The actual form of the written public notice shall be used that is reasonably likely to apprise members of the general public, any concerned media and the official newspaper of the Town of Fox Lake of the meeting.

## **Section 6: Special Government Units**

a. Special Office and Special Government Units Notice

Any special office, committee, commission, agency, board or other special government unit of the Town of Fox Lake shall comply with Chapter 19 Wis. Stats., and the sections of this ordinance. Any special office, committee, commission, agency, board or other special government unit shall, in addition, provide a written copy of a public notice of any meeting to the Town Clerk/Treasurer of the Town of Fox Lake prior to any meeting.

b. Exceptions

The special government unit need not provide such public notice pursuant to Sec. 19.84(6) Wis. Stats.;

- 1) If the special government unit is a formally constituted committee or subcommittee of the Town Board of the Town of Fox Lake,
- 2) If the committee or subcommittee of the Town Board of the Town of Fox Lake is meeting during a lawful meeting of the Town Board of the Town of Fox Lake, during a recess of a lawful meeting of the Town Board of the Town of Fox Lake or immediately after adjournment of a lawful meeting of the Town Board of the Town of Fox Lake,
- 3) If the committee or subcommittee of the Town Board of the Town of Fox Lake is meeting for the purpose of discussing or acting upon a matter which was the subject of the meeting of the Town Board of the Town of Fox Lake
- 4) If the Town Chair of the Town of Fox Lake publicly announces the time, place and subject matter of the meeting of the committee or subcommittee in advance at the meeting of the Town Board of the Town of Fox Lake.

## **Section 7: Posting and Publishing of Public Notice**

a. Posting

At minimum, the responsible person to provide any public notice or his or her designee shall post written public notice of any meeting of the Town Board of the Town of Fox Lake and any meeting of any special office, committee, commission, agency, board or any other special government unit of the Town of Fox Lake at these locations:

- 1) Town Hall, W10543 County Road F
- 2) U.S. Post Office, 310 W. Main Street
- 3) Fox Lake Public Library, 117 W. State Street

b. Publishing

In lieu of or in addition to the above noted written posting of the public notice for the meeting of the Town Board of the Town of Fox Lake and any other special office or other special government units noted herein, proper written public notice may be achieved under Chapter 19 Wis. Stats., and this ordinance by the Town Chair of the Town of Fox Lake or his or her designee publishing a Class 1 notice pursuant to Chapter 985 Wis. Stats., for any meeting of the Town Board of the Town of Fox Lake or any other government units noted herein, in the Town of Fox Lake official newspaper and by publishing public notice of any meeting at the discretion of the Town Chair of the Town Board of the Town of Fox Lake, in any other publication likely to apprise the general public of the meeting. Publication of the public notice of a meeting in the official newspaper or in any other publication is not required by this ordinance except as noted below.

c. Annual Town Meeting Dates and Location

Any annual Town meeting that has been established at a date different than the third (3rd) Tuesday of April or established at any location different than the location of their last annual meeting shall require that the Town Clerk/Treasurer of the Town of Fox Lake or his or her designee, pursuant to Chapter 985 Wis. Stats., shall publish a notice and post the meeting notice in at least three (3) public places stating the purpose, date, time and location of the annual Town meeting. The time for publication of the notice shall be not more than twenty (20) nor less than fifteen (15) days prior to the annual Town meeting. If the Town of Fox Lake has designated a weekly publication as the official general circulation newspaper, the Town Clerk/Treasurer shall post the meeting notice in at least three (3) public places and publish once in the official newspaper.

d. Special Town Meeting Date and Location

Any special Town meeting that has been established shall require that the Town Clerk/Treasurer of the Town of Fox Lake or his or her designee publish a notice and post the meeting notice in at least three (3) public places stating the purpose, date, time and location of the special Town meeting. The time for publication shall be not more than twenty (20) nor less than fifteen (15) days prior to the special Town meeting.

**Section 8: Recording, Broadcasting and Photography of Meeting**

a. General Media Coverage Rule

Pursuant to Sec. 19.90 Wis. Stats., any concerned media, the official newspaper of the Town of Fox Lake or any other person may broadcast, photograph or record any part or all of any open session of an annual Town of Fox Lake Town meeting, a Town of Fox Lake special Town meeting, a meeting of the Town Board of the Town of Fox Lake or any meeting of any special

office, committee, commission, agency, board or any other special government unit of the Town of Fox Lake covered by this ordinance.

b. Exceptions

The Town Chair of the Town of Fox Lake or the chair or presiding officer of any Town of Fox Lake Town meeting or any other Town government meeting of the Town of Fox Lake, its officers or its employees may, prior to or at the meeting, establish reasonable standards for the location and placement of any broadcasting, photography or recording devices. No person shall broadcast, photograph or record any matter or persons at any Town of Fox Lake government meeting in the Town of Fox Lake in such a manner to unreasonably interrupt the deliberations and discussions nor unreasonably block the view or the opportunity to hear any person at any Town of Fox Lake government meeting.

**Section 9: Exceptions to Open Meeting**

a. Procedure for Closed Session

Any meeting of the Town Board of the Town of Fox Lake and any public meeting or any special office, committee, commission, agency, board or any other special government unit of the Town of Fox Lake may be held in closed session upon a motion for a closed session duly made and carried by a roll call vote of the members. The vote shall be conducted in a manner to allow the public to ascertain how each member of the Town Board of the Town of Fox Lake or each member of the committee, commission, board or any other special government unit of the Town of Fox Lake voted on the motion. The actual vote for a closed session shall be recorded in the minutes by the recording officer of the meeting with a clear identification of the names of the members voting for the motion and the names of the members opposing the motion. Prior to the adoption of the motion, the Town Chair of the Town of Fox Lake or the presiding officer of the meeting formally shall, at the open meeting portion, announce to all persons at the meeting the nature of the business or matter to be considered at such closed session and shall also formally announce the specific closed meeting exemption and subsection under Chapter 19 Wis. Stats.

No person in the closed session shall bring before any closed session meeting any business or matter except that business or matter which relates to the business or matter contained in the formal announcement of the closed session by the Town Chair of the Town of Fox Lake or by the presiding officer of the public meeting.

b. Purposes for Closed Session

A closed session of the Town Board of the Town of Fox Lake or a closed session of any special office, committee, commission, agency, board or any other special government unit of the Town of Fox Lake may be held for the following purposes:

1) Deliberation concerning a case which was the subject of any judicial or quasi judicial or hearing before the Town Board of the Town of Fox Lake or before any special office, committee, commission, agency, board or any other special government unit of the Town of Fox Lake.

2) Considering dismissal, demotion, licensing or discipline of:

- a) Any public employee for the Town of Fox Lake.
- b) Any person licensed by the Town of Fox Lake.
- c) Any special office, committee, commission, agency, board or any other special government unit of the Town of Fox Lake.

The investigation of charges against any person by the Town of Fox Lake may be done provided that the public employee or person licensed is given actual notice of any evidentiary hearing by the Town Board or by any special office committee, commission, agency, board or any other special government unit of the Town of Fox Lake prior to the final action being taken by said Town Board or the special office, committee, commission, agency, board or any other special government unit of the Town of Fox Lake and the open meeting notice of the public meeting at which final action may be taken. The actual notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session.

The above paragraph and paragraph (6) do not apply to any evidentiary hearing or meeting of the Town Board of the Town of Fox Lake or any special office, committee, commission, agency, board or any other special government unit of the Town of Fox Lake where the public employee or person licensed requests in writing prior to the meeting or hearing to the Town Clerk/Treasurer of the Town of Fox Lake that an open session be held.

3) Considering employment, promotion, compensation of performance evaluation data of a public employee of the Town of Fox Lake where the Town Board of the Town of Fox Lake or any special office, committee, commission, agency, board or any other special government unit of the Town of Fox Lake has jurisdiction over the public employee or exercises responsibility for the public employee.

4) Considering specific strategy for crime detection or prevention in the Town of Fox Lake

5) Deliberating or negotiating the purchasing of public property for the Town of Fox Lake or for any special office, committee, commission, agency board or other special government unit of the Town of Fox Lake or conducting other specified public business for the Town of Fox Lake or for any special office, committee, commission, agency, board or any other special government unit of the Town of Fox Lake whenever competitive or bargaining reasons require a closed session.

6) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or investigation of charges against specific persons except where paragraph (b) applies, which, if discussed in public, would be likely to have substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

7) Conferring with legal counsel for the Town Board of the Town of Fox Lake or for any special office, committee, commission, agency, board or any other special government unit of the Town of Fox Lake about litigation which exists or is likely to arise.

8) Consideration of requests for confidential written advice from any ethics board established by and for the Town Board of the Town of Fox Lake.

9) Considering any an all matters related to any business under Sec. 560.15 Wis. Stats., which, if discussed in public, could adversely affect the business, its employees or former employees.

#### c. Exceptions

The Town Board of the Town of Fox Lake and any special office, committee, commission, agency, board or any other special government unit of the Town of Fox Lake may not commence a meeting, subsequently convene in closed session and thereafter reconvene in open session within twelve (12) hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice

of the meeting convened prior to the closed session. For this purpose, the officer or designee effecting notice may use the phrase “The board may reconvene in open session to consider other topics.”

Neither the Town Board of the Town of Fox Lake any special office, committee, commission, agency, board or any special government unit of the Town of Fox Lake nor any member of the above noted, nor any person shall construe this ordinance to authorize the Town Board of the Town of Fox Lake or any special office, committee, commission, agency, board or any other special government unit of the Town of Fox Lake to consider at a closed session meeting the final ratification or approval of any collective bargaining agreement under subch. IV or V of Chap. 111 Wis. Stats., where this agreement has been negotiated by the Town Board of the Town of Fox Lake or by any special office, committee, commission, agency, board or any other special government units of the Town of Fox Lake or on their behalf.

#### **Section 10: Exclusion of Members**

The Town Board of the Town of Fox Lake may, pursuant to Sec. 19.89 Wis. Stats., adopt written rules to exclude members of the Town Board of the Town of Fox Lake from closed meetings of any special office, committees, commissions, agency, boards or any other special government units of the Town of Fox Lake if those committees, commissions, boards or other special government units of the Town of Fox Lake are subunits of the Town Board of the Town of Fox Lake.

No member of the Town Board of the Town of Fox Lake may be excluded from an open or closed meeting of the Town Board of the Town of Fox Lake.

The Town Clerk/Treasurer of the Town of Fox Lake shall have the right to attend all closed sessions of the Town Board of the Town of Fox Lake unless the Town Board by a majority vote excludes the Town Clerk/Treasurer from any particular closed session.

#### **Section 11: State Law**

The Town Board of the Town of Fox Lake and any member of any special office, committee, commission, agency, board or any other special government units of the Town of Fox Lake shall comply with all applicable provisions of the state open meeting law (Chapter 19 Wis. Stats.). Any meeting established, notices provided and any employee and by any agents of the Town of Fox Lake shall comply with all applicable provisions of the state open meeting law (Chapter 19 Wis. Stats.).

## **C. OFFICIAL TOWN NEWSPAPER ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Official Town Newspaper Ordinance”. The purpose of this ordinance is to define the powers and duties of the Town Board regarding the publication of legal notices in an Official Town Newspaper.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake, pursuant to Sec. 60.22 and 985.05 Wis. Stats., may designate an official Town of Fox Lake newspaper.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed its statutory authority, powers and duties noted above in Chapter 60 and 985 Wis. Stats., and has established pursuant to these chapters and this ordinance the powers and duties of the Town Board of the Town of Fox Lake to designate an official Town of Fox Lake newspaper.

### **Section 4: Official Town Newspaper**

The Town Board of the Town of Fox Lake, pursuant to Sec. 985.05 Wis. Stats., may designate an official Town of Fox Lake newspaper. This official Town of Fox Lake newspaper, if designated, shall publish all legal notices published in a newspaper by the Town of Fox Lake unless otherwise specifically required by state law. This official newspaper must be published or have general circulation in the Town of Fox Lake and must be eligible under Sec. 985.03 Wis. Stats., as its official Town of Fox Lake newspaper or utilized the same for specific notice.

If at any time the Town of Fox Lake has no official newspaper and under state law, publication in an official newspaper is required, then the Town Board may provide for publication in a newspaper published or generally circulated in the Town of Fox Lake after the newspaper is so designated, under Sec. 66.01 to Sec. 66.08 Wis. Stats.

If no newspaper is published in the Town of Fox Lake, then the Town of Fox Lake may provide proper publication by publishing in a newspaper published in the County of Dodge having general circulation in the Town of Fox Lake if the newspaper is designated by the proper Town of Fox Lake officers and special government units conducting any proceeding or meetings noted in Sec. 66.01 to 66.08 Wis. Stats.; and by the posting by the Town of Fox Lake officers, their designee or by the special government unit conducting the proceeding or meeting in at least three (3) public places in the Town of Fox Lake. If no newspaper qualifies and can not be designated by the proper Town of Fox Lake officers and special government units conducting the proceedings or meetings under Sec. 66.01 to Sec. 66.08 Wis. Stats., then the above noted posting shall be sufficient publication.

### **Section 5: Adoption of Resolution for Official Town Newspaper**

The Town Board of the Town of Fox Lake did authorize by adoption of a resolution dated April 13, 1996 and did by adoption of this ordinance confirm that the official Town of Fox Lake newspaper shall be the Beaver Dam Daily Citizen located at 805 Park Avenue, Beaver Dam, WI 53916.

CHAPTER 3  
TOWN RECORDS/TOWN PROPERTY

**A. PUBLIC RECORDS AND PUBLIC PROPERTY ORDINANCE**

**Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Public Records and Public Property Ordinance”. The purpose of this ordinance is to define the manner in which public records and property are maintained and the manner in which the public may access such records and property.

**Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific authority, powers and duties, pursuant to Sec. 19.21, 19.22, 19.23, 19.31, 19.33, 19.34, 19.35, 19.36, 19.37, 19.84, 19.85, 60.22 and 60.83 Wis. Stats., to manage and direct certain affairs related to Town of Fox Lake public records and Town of Fox Lake public property.

**Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties in Chapters 19, and 60 Wis. Stats., and has established by these chapters and this ordinance the statutory powers and duties of the Town Board of the Town of Fox Lake related to Town of Fox Lake records and Town of Fox Lake property.

**Section 4: Public Record and Public Property Responsibilities**

All public records and public properties belonging to the Town of Fox Lake, including records and public properties of officers, special offices, committees, commissions, agencies, authorities, boards or other special government units of the Town of Fox Lake, shall be safely kept, properly maintained and carefully preserved by the legal custodian thereof when:

- a. These officers, employees or agents receive custody of the public records and public property from their predecessor or other persons.
- b. These public records and public properties are required by state law or by Town of Fox Lake Ordinance to be filed, deposited or kept in the offices of these officers, employees or agents.
- c. These public records and public properties are in lawful possession of these officers, employees or agents or the possession or control of which these officers, employees or agents may be lawfully entitled by state law or by Town of Fox Lake Ordinance.

**Section 5: Public Records and Public Property Delivery**

All public records and public properties of the Town of Fox Lake, including records and properties of offices, special offices, committees, commissions, agencies, authorities, boards or other special government units of the Town of Fox Lake, shall be delivered by the officer, employee or agent of these Town of Fox Lake government units to the successor officer, employee or agent of these Town of Fox Lake government units upon demand by the officer, employee or agent of these Town of Fox Lake government units, upon expiration of the officer’s term of office, upon the expiration of the employee’s term of employment or upon the expiration of the agent’s term of agency with the Town of Fox Lake, or upon the vacancy of the office. Upon death, the legal representative shall be responsible to deliver such public records or public properties upon demand to the successor of the deceased. The successor officer, successor



employee or successor agent of these Town of Fox Lake government units shall acknowledge receipt of the public records and public properties and shall provide a receipt to the officer, employee, agent or legal representative. The officer, employee, agent or legal representative shall file a copy of such receipt with the Town Clerk/Treasurer of the Town of Fox Lake. If a vacancy occurs before a successor is qualified, employed or retained by the Town of Fox Lake, such public records and public properties shall be delivered to the Town Clerk/Treasurer of the Town of Fox Lake. The Town Clerk/Treasurer of the Town of Fox Lake shall acknowledge receipt and shall provide a receipt to the officer, employee, agent or legal representative. The Town Clerk/Treasurer of the Town of Fox Lake shall receipt these public records and public properties on behalf of the successor and these public records and public properties shall be delivered by the Town Clerk of the Town of Fox Lake to the successor upon the latter's receipt of office, employment or retention with the Town of Fox Lake.

## **Section 6: Public Record Access**

### **a. Custodian of Records**

The below noted offices, special offices, committees, commissions, agencies, authorities, board or other special government units of the Town of Fox Lake have designated the below noted as legal custodians of their public records.

Town Chairperson	Town Supervisors
Town Clerk/Treasurer	Town Police Officer
Town Building Inspector	Town Assessor
Town Municipal Judge	Town Attorney

If no offices, special offices, committees, commissions, agencies, authorities, boards or other special government units of the Town of Fox Lake have been designated for any particular public records, then legal custodian for those records shall be the Town Clerk/Treasurer of the Town of Fox Lake or if by ordinance, another officer of the Town of Fox Lake.

### **b. Public Notice of Record Location**

The above noted offices, special offices, committees, commissions, agencies, authorities, boards and other special government units of the Town of Fox Lake shall adopt and display a public notice related to the custody of the public records under their custody.

### **c. Access to Records**

The legal custodian of any public record of the above noted offices, special offices, committees, commissions, agencies, authorities, boards or any other special government units of the Town of Fox Lake shall provide to any person the right to inspect any public record except if, as indicated by specific statute, this ordinance or where the similar public policy based on the exemptions in Sec. 19.85 Wis. Stats., should allow the legal custodian to restrict public access to these records. The legal custodian, when claiming a specific exemption for denying access to public record, must make a specific demonstration to person demanding access that there is a need to restrict public access at the time of the request for access to the public record.

If and when the need to restrict the public record from public access has been eliminated, then the legal custodian must provide public access to the record. The legal custodian shall provide adequate security and restrictions for the public record when and if the legal custodian determines the record must be restricted from public access.

The specific exemptions that may allow the legal custodian to restrict public access to records include, but are not limited to those public policy exemptions for closed meetings listed in Sec. 19.85 Wis. Stats.

d. Copying/ Photographing Public Records

The legal custodian shall comply with the provisions of Sec. 19.35 Wis. Stats., relating to allowing a person access to a public record to allow copying or photographing of a written public record, an audio tape, a video tape or a record to be published for later sale and distribution. The legal custodian may demand a specific written request of the person requesting the public record wherein the request will reasonably describe for the legal custodian the requested record. The request must have a reasonable limitation as to the subject matter or to the length of time represented by the record. If the legal custodian does not believe the request for the public record is sufficiently limited, the legal custodian shall notice or attempt to notice the requesting person that further subject matter or time limitations must be provided before the public record request can be fully meet.

The legal custodian can not request the name of the requesting person or the reasons for the need to access the public record except if the legal custodian keeps the public record at a private residence, or if the legal custodian, for security reasons, believes identification is necessary and appropriate or except if federal law and regulations requires identification of the requesting person.

The legal custodian may require supervision during the inspection and copying of any public record and may impose reasonable restrictions in the manner of access to certain records if the records are irreplaceable or easily damaged.

The Town Board of the Town of Fox Lake is not required to purchase or lease for any requesting person any equipment or facilities for photocopying, photographing or other copying.

e. Fees

The Town of Fox Lake may charge the actual, necessary and direct reproduction costs for a copy of a record. The Town Board of the Town of Fox Lake has declared these costs to be the actual costs incurred per photocopy. Furthermore, the Town Board of the Town of Fox Lake did define, by adoption of a resolution dated September 15, 2014, these “actual costs” to be \$0.25/page. The Town Board of the Town of Fox Lake declares offices, special offices, committees, commissions, agencies, authorities, boards and other special government units of the Town of Fox Lake need not pay for copying costs for public records.

In addition to the copying cost charge, a fee for locating the record will be charged, if the cost to locate is more than fifty dollars (\$50.00), and may charge a fee for the actual necessary and direct mailing or shipping fee. The Town of Fox Lake may require a pre-payment of the fee if the total fees established by this subsection will exceed five dollars (\$5.00).

f. Formal Request

If the above noted Town Board of the Town of Fox Lake, any offices, any special offices, any committees, any commissions, any agencies, any authorities, any boards or any other special government units of the Town of Fox Lake receives a request for a record, they shall as soon as practicable and without delay either fill the request or notify the requesting person to deny the request, in whole or in part, and the reason for the denial.

If the requesting person makes the request orally, the previously noted offices, committees, commissions, boards or other special government units of the Town of Fox Lake may deny the request orally unless a demand for a written statement of the reason denying the request is made

by the requesting person within five (5) business days of the oral denial.

If the above noted government bodies deny a written request, in whole or in part, the requesting person shall receive from the denying government body a written statement of the reason for denying the request. The written denial by these government bodies shall include a notice that this determination for denial is reviewable by mandamus under Sec.19.37(1) Wis. Stats., or upon application to the attorney general or district attorney of the County of Dodge.

g. Record Destruction

The Town Board of the Town of Fox Lake, any officer, any office, any special office, any committee, any commission, any agency, any authority, any board or other special government units of the Town of Fox Lake or any officer, employee or agent of the above noted may not destroy any public record at any time after any of the above noted receive a request for inspection or copying of the record until after the request is granted or until at least sixty (60) days after the date the request is denied. If an action is commenced under Sec. 19.37 Wis. Stats., within one hundred and fifty (150) days after the request is denied or after the decision of the trial court, whichever is later, the requested record may not be destroyed until after the final order of the trial court and after any final appellate court.

Upon order to produce the record and the order is not appealed, the requested record may not be destroyed until after the request for inspection or copying is granted.

h. Limitation Upon Access

Prior to any public release, the legal custodian shall separate specific information and material from the public record that should not be released to the public because the release of the information or material would be prejudicial to the public interest. Specifically, certain records are exempt pursuant to Sec. 19.36 Wis. Stats., from public release and may be withheld by the Town of Fox Lake:

- 1) Records which are specifically exempted from disclosure by federal or state law.
- 2) Law enforcement records relating to investigations, information obtained for law enforcement purposes that are required by federal law or regulation to be withheld as a condition to receipt of aid by the state.
- 3) Records produced or collected under a contract entered into with a private person.
- 4) Materials used for input for a computer program or the material produced as a product of the computer program.
- 5) Any record or a portion of a record containing information qualifying as a common law trade secret.
- 6) Any record not to be disclosed as a public record under the public policy provision of Sec. 19.85 Wis. Stat., related to open meetings.

**Section 7: Notice to Historical Society**

The Town Board of the Town of Fox Lake, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Town of Fox Lake and their officers, their employees and their agents of the aforesaid, prior to the destruction of any public records belonging to the Town of Fox Lake, noted below in Sec.(2), shall provide at least sixty (60) days notice, in writing, to the State Historical Society of Wisconsin. The Town Board of the Town of Fox Lake shall not be requested, pursuant to Sec. 19.21 Wis. Stats., to provide notice to the State Historical Society of Wisconsin if the Town Board previously, by application, has received a waiver.

## **Section 8: Conditions and Terms for Destruction of Public Records**

### **a. Types of Records Destroyed**

The Town Board of the Town of Fox Lake, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Town of Fox Lake and their officers, their employees and their agents of the aforesaid shall destroy the following public records of the Town of Fox Lake only upon the conditions noted below and at the time noted below:

#### **1) Obsolete Utility Records**

If the Town Board of the Town of Fox Lake, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Town of Fox Lake and their officers, their employees or their agents of the aforesaid are the legal custodians of the public utility records of the Town of Fox Lake. If the public utility records are considered obsolete, the above noted, as custodians, may destroy the following public utility records of the Town of Fox Lake at anytime two (2) years after the record was effective:

- a. Water Stubs
- b. Receipts of Current Billings
- c. Customers Ledgers

All other public utility records of the Town of Fox Lake, the above noted custodians may destroy at anytime seven (7) years after the record was effective, unless a shorter time period has been fixed by the state Public Records and Forms Board pursuant to Sec. 16.61(3)(e), (2003-04) Wis. Stats., and then only after that shorter time period.

#### **2) Obsolete Financial Records**

All financial records of the Town of Fox Lake that are not utility records, the Town Board of the Town of Fox Lake, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Town of Fox Lake and their officers, their employees or their agents of the aforesaid, who are the legal custodians of these financial records of the Town of Fox Lake, if these financial records are considered obsolete, the above noted legal custodians may destroy these financial records at anytime seven (7) years after the record was effective, unless a shorter time period has been fixed by the state Public Records and Forms Board pursuant to Sec. 16.61(3)(e) Wis. Stats., and then only after that shorter time period.

#### **3) Other Obsolete Records**

All other public records of the Town of Fox Lake that are not utility or financial records, the Town Board of the Town of Fox Lake, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Town of Fox Lake and their officers, their employees or their agents of the aforesaid who are the legal custodians of these records of the Town of Fox Lake, if these records are considered obsolete, the above noted legal custodians may destroy these records at anytime seven (7) years after the record was effective unless another period has been set by statute and then only after such a period, or unless a shorter time period has been fixed by the state Public Records and Forms Board pursuant to Sec. 16.61(3)(e) Wis. Stats., and then only after that shorter time period. No assessment roll containing forest crop acreage in the Town of Fox Lake may be destroyed without prior approval of the Department of Revenue.

## **Section 9: Specific Date of Destruction for Specific Public Records**

The Town Board of the Town of Fox Lake desires specifically that the following public records of the Town Board of the Town of Fox Lake, its offices, its special offices, its committees, its commissions, its agencies, its authorities, its boards or other special government units of the Town of Fox Lake not be destroyed until after the years listed below:

- a. Tax Receipts for the Town of Fox Lake—Ten (10) years after the receipt was issued by the Town of Fox Lake.
- b. Contracts and Insurance Policies Issued to Town of Fox Lake—Ten (10) years after the policy was issued to the Town of Fox Lake.
- c. Legal Claims against the Town of Fox Lake—Ten (10) years after the claim was noticed to the Town of Fox Lake.

## **Section 10: Taped Records of Meetings**

The Town Board of the Town of Fox Lake, any office, any special office, committee, any commission, any agency, any authority, any board or any other special government units of the Town of Fox Lake and their officers, their employees and their agents of the aforesaid may destroy any taped records of any public meeting of the aforesaid no sooner than ninety (90) days after the public meeting minutes have been approved by the appropriate government unit if the purpose of the tape recording was to make and maintain minutes of the public meeting.

## **Section 11: Microfilm Records**

The Town Board of the Town of Fox Lake may authorize that the public records of the Town Board of the Town of Fox Lake, its offices, its special offices, its committees, its commissions, its agencies, its authorities, its boards and any other special government units of the Town of Fox Lake be kept and preserved on microfilm. The microfilm records shall be under the custody of the Town Clerk/Treasurer of the Town of Fox Lake. These records shall be stored for safekeeping and shall be conveniently accessible to the general public at the Town Hall. The Town Clerk/Treasurer of the Town of Fox Lake shall comply with the applicable standards established in Sec. 16.61(7) Wis. Stats., in order that these public records of the Town of Fox Lake may be deemed original records. The Town Board of the Town of Fox Lake or its designee shall at least annually review the reproduction of the microfilm and storage of the microfilm in order to assure proper micrographic protection and in order to assure legibility and permanence of the microfilm copy.

## **B. PUBLIC BUILDING AND PUBLIC LAND ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Public Building and Public Land Ordinance”. The purpose of this ordinance is to describe the manner in which the public buildings and land of the Town of Fox Lake are to be managed and controlled.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific authority, powers and duties pursuant to Sec. 60.10, 60.22, and 101.13 Wis. Stats., and specific statutory authority, powers and duties with authorization of the Town meeting, to purchase, lease, construct and dispose buildings and property for the Town of Fox Lake and to manage and direct certain affairs related to Town of Fox Lake buildings and Town of Fox Lake lands.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted above in Chapter 60 and 101 Wis. Stats., and has established pursuant to these chapters and this ordinance the powers and duties of the Town Board of the Town of Fox Lake relating to the control, construction, operation and maintenance of Town of Fox Lake public buildings and the control, operations and maintenance of Town of Fox Lake public lands.

### **Section 4: Handicap Access**

#### **a. New Building**

The Town Board of the Town of Fox Lake shall design and construct any new Town of Fox Lake public buildings to allow physically disabled person reasonable means of access including access from parking lots, if any, ancillary to the public building.

#### **b. Minimum Requirements for Use of Public Buildings**

The Town Board of the Town of Fox Lake shall comply with minimum requirements established by the State of Wisconsin Department of Industry, Labor and Human Resources to facilitate the use of Town of Fox Lake public buildings by physically disabled persons where traffic might reasonably be expected by such physically disabled person. The Town Board of the Town of Fox Lake shall comply with the minimum requirements established by the State of Wisconsin Department of Industry, Labor and Human Resources to ensure access to and use of the Town of Fox Lake public buildings.

#### **c. Parking Space Compliance**

The Town Board of the Town of Fox Lake should not issue any authorizations to occupy any public building or private or public place of employment unless the owner thereof files with the Town Clerk/Treasurer of the Town of Fox Lake a true certificate of compliance with the state law, state regulations and rules related to ensuring the access to and use of public buildings or places of employment relating specifically to the reservations and marking of parking spaces for use by a motor vehicle used by a physically disabled persons.

#### **d. Remodeling**

The Town Board of the Town of Fox Lake shall meet the minimum regulations of the State of Wisconsin Department of Industry, Labor and Human Resources and Sec. 101.13 Wis. Stats., for remodeling of Town of Fox Lake public buildings to ensure the access to and use of the public buildings by physically disabled person. Any Town of Fox Lake public buildings that are

remodeled, unless excepted by rules of the State of Wisconsin Department of Industry, Labor and Human Resources or by Sec. 101.13 Wis. Stats. shall be designed and constructed so as to provide reasonable means of access for physically disabled persons.

e. Handicapped Access Grievance

The Town Clerk/Treasurer of the Town of Fox Lake shall receive any and all grievances related to handicapped access to the Town of Fox Lake buildings. Whenever possible, the grieving party shall place the grievance in writing. The Town Clerk/Treasurer shall refer such grievance to the Town Board of the Town of Fox Lake at the next regularly scheduled meeting of the Town Board. The Town Chair of the Town of Fox Lake, upon receipt of the grievance, shall appoint a member of this Town Board to investigate the grievance and to file a report with the Town Board of the Town of Fox Lake. The Town Board of the Town of Fox Lake will comply with federal and statutory regulations, including the federal requirements under 31 CFR 51.55(a) 1-6, in investigating and acting upon such grievance.

**Section 5: Public Building and Public Land Access**

a. Authority for Public Access

The Town Board of the Town of Fox Lake has the authority to establish dates and times for public access to the public buildings and public lands owned or leased by the Town of Fox Lake. In addition, the Town Board of the Town of Fox Lake has the authority to place additional restrictions on the use of the public buildings and public lands owned or leased by the Town of Fox Lake.

b. Town Hall

The Town Hall of the Town of Fox Lake shall be open to the public at the times and dates established and announced from time to time by the Town Board and officers of the Town of Fox Lake.

The Town Hall shall be open to the public at other times with the approval of the Town Board of the Town of Fox Lake. The use of the Town Hall may be provided for non-governmental functions and events. These functions and events shall be private non-profit group meetings or social meetings upon which the meeting and the responsible party for the meeting are approved by the Town Board of the Town of Fox Lake. The Town Board of the Town of Fox Lake shall charge a daily rental fee for such use to the responsible party. The daily rental fee shall be at minimum thirty-five dollars (\$35.00). In addition to the rental fee, the Town Board of the Town of Fox Lake may require that the responsible party provide a written indemnification and/or a policy of insurance to indemnify and hold harmless the Town of Fox Lake from any costs, damages or expenses the Town of Fox Lake may incur as a result of any injury to any person at or near the Town Hall.

The Town Board of the Town of Fox Lake shall be responsible for maintenance and control of the Town Hall. The Town Board of the Town of Fox Lake may delegate authority for the daily maintenance and control of the Town Hall to Town officers. The following Town officers shall have keys to the Town Hall and shall have the right to access of the Town Hall at all reasonable times.

Town Chairperson	Town Supervisors
Town Clerk/Treasurer	Town Police Officer
Town Building Inspector	Town Weed Commissioner

No person shall enter the Town Hall of the Town of Fox Lake, except as noted above, unless authorized by the Town Board of the Town of Fox Lake. Any person who violates the above noted provision shall immediately leave the Town Hall of the Town of Lake.

c. Other Town Buildings

The Town Board of the Town of Fox Lake has a storage building on the Town Hall site.

No person shall enter the above described Town of Fox Lake Town buildings, except as noted above, unless authorized by the Town Board of the Town of Fox Lake. Any person violating the above noted provision shall immediately leave the above described Town of Fox Lake public building.

d. General Regulations for Access to and from Public Buildings and Public Land

1) Cats and Dogs

The Town Board of the Town of Fox Lake does not permit access to or use of any Town of Fox Lake public buildings and Town of Fox Lake public lands by any cat, dog or other domestic animal except as follows:

- a) Seeing Eye dog or other animal used to assist the visually handicapped.
- b) A dog, cat or other domestic animal within a motor vehicle where the animal is in the motor vehicle by consent of the owner of the motor vehicle.
- c) A dog, cat or other domestic animal is permitted and authorized by the Town Board of the Town of Fox Lake as an authorized animal of a fair, circus or other social event that has been authorized to be held on land owned or leased by the Town Board of the Town of Fox Lake.

2) Person Under the Influence of Alcohol or Drugs

The Town Board of the Town of Fox Lake does not permit access to or use of Town of Fox Lake public buildings and Town of Fox Lake public lands by any person who is intoxicated or impaired due to the use of alcohol or drugs. Any person so intoxicated or impaired shall leave the Town of Fox Lake public building and public land immediately. No formal request to leave by any Town of Fox Lake police officer or other law enforcement officer shall be required for violation of this provision to occur. Any person who fails to leave immediately any Town of Fox Lake public building and public land after formal request by the Town of Fox Lake police officer or other law enforcement officer shall be immediately arrested by the Town of Fox Lake police officer or law enforcement officer and shall be immediately removed from the Town of Fox Lake public building and Town of Fox Lake public land.

3) Possession of Alcohol and Drugs

The Town Board of the Town of Fox Lake does not permit use or possession, by any person, of any alcohol beverages or controlled substance drug in or on the premises of any Town of Fox Lake public buildings and any Town of Fox Lake public lands, unless such possession or use has been approved by the Town Board of the Town Of Fox Lake.

Any person violating this provision shall immediately leave the Town of Fox Lake public building and Town of Fox Lake public land. No formal request to leave by any Town of Fox Lake police officer or other law enforcement officer shall be required for violation of this provision to occur.



Any person who fails to leave any Town of Fox Lake public building and Town of Fox Lake public land immediately after formal request by the Town of Fox Lake police officer or other law enforcement officer shall be arrested immediately by the Town of Fox Lake police officer or other law enforcement officer and shall be removed from the Town of Fox Lake public building and Town of Fox Lake public land.

#### 4) Motor Vehicle Use

The Town Board of the Town of Fox Lake does not permit operation, parking or use of any motor vehicle or motorized boat in the following areas without authorization by the Town Board of the Town of Fox Lake.

Town Hall Property	Lake Emily Cemetery
Brave Road Cemetery	Fox Lake Boat Landing
Lake Emily Boat Landing	Fox Lake Fire Lanes
Lake Emily Fire Lanes	

No person shall operate, park or use a motor vehicle in violation of this provision notice above except as authorized by the Town Board of the Town of Fox Lake. Any person violating this provision shall immediately leave the Town of Fox Lake public areas described above. No formal request to leave by any Town of Fox Lake police officer or law enforcement officer shall be required for violation of this provision to occur. Any person who fails to immediately leave the described public area after formal request by any Town of Fox Lake police officer or law enforcement officer shall be immediately arrested by the Town of Fox Lake police or law enforcement officer and the person shall be immediately removed from the Town of Fox Lake public area noted above.

#### 5) Litter and Discharge

The Town Board of the Town of Fox Lake does not permit the disposal or discharge of any litter, solid waste, hazardous waste, garbage or any other refuse in any Town of Fox Lake public building and on the premises of any Town of Fox Lake public land except in disposal containers authorized by the Town Board of the Town of Fox Lake or except with a permit issued by the Town Board of the Town of Fox Lake.

No person shall dispose or discharge the above noted waste in violation of this provision. Any person violating this provision shall immediately and totally reclaim and remove the disposed or discharged waste from the Town of Fox Lake public building and the Town of Fox Lake public lands. No formal request to reclaim and remove the above noted waste by any Town of Fox Lake police officer or law enforcement officer shall be required to violate this provision. Any person who fails to reclaim and remove the above noted waste immediately from any Town of Fox Lake public building and Town of Fox Lake public land after formal request to reclaim and remove by a Town of Fox Lake police officer or other law enforcement officer shall be immediately arrested and removed from the Town of Fox Lake public building and Town of Fox Lake public land.

#### 6) Bottles

The Town Board of the Town of Fox Lake does not permit the possession or use of any glass container or glass bottle in posted public areas in the Town of Fox Lake unless the glass container or glass bottle is within a motor vehicle or motorized boat. No person shall possess or use a glass container or glass bottle in violation of this provision. No formal request to remove and not use the glass container or glass bottle in the posted areas shall be required to violate this

provision. Any person who continues to possess and use a glass container or glass bottle, except in a motor vehicle after formal request to cease possession or use by a Town of Fox Lake police officer or law enforcement officer shall be immediately arrested and removed from the public area.

#### 7) Disorderly Conduct

The Town Board of the Town of Fox Lake does not permit disorderly conduct in any public building and on any public land or contemptuous behavior or insolent behavior to any Town of Fox Lake official, employee or agent in any Town of Fox Lake public building and on any Town of Fox Lake public land when the officer, employee or agent are on duty or working for the Town of Fox Lake. No person shall commit or cause disorderly conduct to the public nor commit or cause contemptuous behavior or insolent behavior to a Town of Fox Lake official, employee or agent in a Town of Fox Lake public building and on any Town of Fox Lake public land when the officer, employee or agent are on duty or working for the Town of Fox Lake.

Loitering in a Town of Fox Lake public building and on any Town of Fox Lake public land, including Town roads, after being formally requested to leave the Town of Fox Lake public building and Town of Fox Lake public land by the chief presiding officer of any public meeting or by the Town of Fox Lake police officer or other law enforcement officer shall be considered disorderly conduct under this provision. Any person who continues to violate this provision after formal request to cease the disorderly conduct or the cease the contemptuous or insolent behavior by the Town of Fox Lake police officer or other law enforcement officer shall be arrested and removed from the Town of Fox Lake public building and Town of Fox Lake public land.

## CHAPTER 4 FISCAL MANAGEMENT

### **A. FISCAL MANAGEMENT ORDINANCE**

#### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Fiscal Management Ordinance”. The purpose of this ordinance is to define and describe the policies and procedures to be utilized to manage and control the financial affairs of the Town and the manner in which those policies and procedures are to be implemented.

#### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific authority, powers and duties pursuant to Sec. 60.10, 60.20, 60.22, 60.23, 60.40, 60.41, 60.42, 60.44, 60.45, 60.46, 60.47, 65.90, 66.04, 66.15, 66.60, 74.12, Chapter 67 and 70 Wis. Stats., to manage, supervise and direct the fiscal operations of the Town of Fox Lake and to develop, maintain and implement a fiscal management system for the Town of Fox Lake.

#### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, duties and powers of the Town of Fox Lake, its officers, its employees and its agents as established by the above noted chapters and this ordinance to manage, supervise and direct the fiscal operations of the Town of Fox Lake and to develop, maintain and implement a fiscal management system for the Town of Fox Lake.

#### **Section 4: Fiscal Year**

The fiscal year for the Town of Fox Lake is the calendar year.

#### **Section 5: Budget Adoption**

The Town Board of the Town of Fox Lake shall adopt an annual budget.

#### **Section 6: Budget Hearing**

The Town Board of the Town of Fox Lake shall conduct a budget hearing prior to the adoption of the budget, pursuant to Sec. 65.90 Wis. Stats. At least fifteen (15) days prior to the budget hearing, the Town Clerk/Treasurer shall publish a Class 1 notice containing the time and place of the budget hearing, a summary of the budget and notice of the place where the budget, in detail, is available. The Town Clerk/Treasurer shall post notice of the budget hearing in at least three (3) public places at least fifteen (15) days prior to the budget hearing. The budget hearing shall be held at the Town Hall unless otherwise noted by the meeting notice.

#### **Section 7: Estimates of Budget**

Each elected officer and each appointed officer responsible for a department, office, special office, committee, commission, agency, board or other special government unit of the Town of Fox Lake shall file with the Town Clerk/Treasurer of the Town of Fox Lake, by a date established by the Town Clerk/Treasurer of the Town of Fox Lake, the following for their department, office, special office, committee, commission, agency, board or other special government unit of the Town of Fox Lake:

- a. Prior years receipts, revenues, disbursements and expenditures
- b. Current years receipts, revenues, disbursements and expenditures
- c. Estimated receipts, revenues, disbursements and expenditures for next year.

## **Section 8: Elements of Budget**

Each budget prepared by and approved by the Town Board of the Town of Fox Lake shall include the following:

- a. All existing indebtedness
- b. All anticipated revenue from all sources for ensuing year
- c. All proposed appropriations for departments, committees, commissions and boards, active or reserve accounts for next year
- d. All actual revenues and expenditures for preceding year
- e. All actual revenue and expenditures for not less than six (6) months of current year
- f. All estimated revenues and expenditures for the balance of the year
- g. All anticipated unexpended or un-appropriated balances and surpluses

## **Section 9: Elements in Budget Summary**

Each budget summary prepared by and approved by the Town Board of the Town of Fox Lake shall include the following:

- a. All expenditures by major expenditure category for the proposed budget, the budget in effect and the budget of the preceding year
- b. All revenues by major revenue service for the proposed budget, the budget in effect and the budget of the preceding year
- c. Any financial source and use not identified in subsection (a) and (b)
- d. All beginning and year end balances for the proposed budget, the budget in effect and the budget of the preceding year

## **Section 10: Initial Preparation of Budget**

The annual budget shall be initially prepared by and approved by the Town Board of the Town of Fox Lake based on the data and estimates provided by the Town Clerk/Treasurer of the Town of Fox Lake. The following Town of Fox Lake employees, officers and agents along with the Town Clerk/Treasurer of the Town of Fox Lake shall assist the Town Board of the Town of Fox Lake in preparing the annual budget:

Town Police Officer

The Town Board of the Town of Fox Lake shall publish its annual budget for the public hearing and public discussion by October 25<sup>th</sup> of each year. The Town Board of the Town of Fox Lake shall provide, at request, a reasonable number of copies of the annual budget for the public not to exceed one hundred (100).

## **Section 11: Approval of Budget**

The Town Board of the Town of Fox Lake, after the public hearing, shall act upon the annual budget. The Town Board of the Town of Fox Lake may amend the annual budget prior to final adoption. The annual budget shall be finally adopted by the Town Board of the Town of Fox Lake on or before December 1<sup>st</sup>. The annual budget, as finalized, shall be adopted by a majority roll call vote of the members of the Town Board of the Town of Fox Lake.

## **Section 12: Changes in Final Budget**

The amount of the tax to be levied or certified, the amounts of the various appropriations and the purposes of the appropriations stated in the approved annual final budget may not be changed unless authorized by a roll call vote of two-thirds (2/3) of the members of the Town Board of the Town of Fox Lake.

## **Section 13: Expenditure of Funds**

The Town Board of the Town of Fox Lake shall not authorize money to be drawn from the treasury of the Town of Fox Lake nor shall the Town Board of the Town of Fox Lake incur any obligation for the Town of Fox Lake for the expenditure of money except as these expenditures or obligations that are made pursuant to the annual final budget appropriations or that are made pursuant to any revised annual budget appropriations. Any unencumbered budget balance of the authorized appropriations shall revert to the general fund and shall be subject to re-appropriation by the Town Board of the Town of Fox Lake. No order for payment may be issued in excess of funds available or appropriated for the purpose for which the order is drawn unless authorized by a two-thirds (2/3) roll call vote of the Town Board of the Town of Fox Lake.

## **Section 14: Claims and Payments**

### **a. Claims Procedure**

The Town Board of the Town of Fox Lake shall develop and maintain a policy and plan, pursuant to Sec. 60.44 and 893.80 Wis. Stats., to manage and control any legal claims against the Town of Fox Lake, its officers, its employees and its agents. All claims filed pursuant to Sec. 893.80 Wis. Stats., shall be filed with the Town Clerk/Treasurer of the Town of Fox Lake. The Town Clerk/Treasurer of the Town of Fox Lake shall immediately contact the Town Chair of the Town of Fox Lake regarding the claims. The Town Chair of the Town of Fox Lake shall arrange any appropriate and necessary meeting of the Town Board of the Town of Fox Lake for actions pursuant to Sec. 60.44 and 893.80 Wis. Stats., to allow or disallow any claim. The Town Chair shall, at his or her discretion, contact the Town of Fox Lake Attorney regarding the claim prior to the meeting of the Town Board of the Town of Fox Lake.

### **b. General Policy for Claims**

No claim, account or demand for payment against the Town of Fox Lake shall be paid until a voucher has been filed with or prepared by the Town Clerk/Treasurer of the Town of Fox Lake. All claims, accounts and demands for money shall be filed with the Town Clerk/Treasurer of the Town of Fox Lake.

The Town Board of the Town of Fox Lake shall approve or disallow any claim made under Sec. 893.80 Wis. Stats.

All vouchers shall be approved or rejected by the Town Board of the Town of Fox Lake prior to payment. All claims, accounts and demands for payment shall be verified by the claimant or the claimant's agent. The Town Clerk/Treasurer of the Town of Fox Lake shall make disbursements from the Town of Fox Lake Treasury upon receipt of the approved voucher and upon the written order of the Town Board of the Town of Fox Lake for payment. Any disbursement of the Town of Fox Lake funds from demand deposits of the Town of Fox Lake shall be by draft or order check. Any disbursement of the Town of Fox Lake funds from savings or time deposits of the Town of Fox Lake shall be by written transfer order. All drafts or order checks and transfer orders shall be signed by the Town Chair of the Town of Fox Lake and the Town Clerk/Treasurer of the Town of Fox Lake.

c. Exceptions to Town Board Approval of Claims

Any bills and vouchers not in excess of five hundred dollars (\$500) may be paid by the Town Clerk/Treasurer of the Town of Fox Lake without approval of the Town Board of the Town of Fox Lake only after the Town Clerk/Treasurer of the Town of Fox Lake determines:

- 1) Funds are available under the Town Budget of the Town of Fox Lake to pay the bill or voucher.
- 2) The item or service covered by the bill or voucher has been duly authorized.
- 3) The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
- 4) The claim appears to be a valid claim against the Town of Fox Lake.

The Town Clerk/Treasurer of the Town of Fox Lake shall file, at least monthly, with the Town Board of the Town of Fox Lake a written list of claims approved, the date paid, name of claimant, purpose and amount of claim. The Town Clerk/Treasurer of the Town of Fox Lake can demand proof of compliance with the above noted (1-4) prior to approval.

**Section 15: Financial Book/Annual Financial Statement**

The Town Board of the Town of Fox Lake annually shall prepare a written annual statement of the financial condition of the Town of Fox Lake. This statement shall be prepared and submitted by the Town Board of the Town of Fox Lake at the annual Town meeting. In addition, the Town Clerk/Treasurer of the Town of Fox Lake shall maintain a finance book which shall contain a complete record of the finances of the Town of Fox Lake. This book shall show the receipts, with the date, amount and source of each receipt, to disbursement, with the date, amount and object of the disbursement.

The Town Board of the Town of Fox Lake has approved assistance in preparing the annual financial statement. The Town Auditor/Accountant may aid the Town Board of the Town of Fox Lake in preparing the annual financial statement. The annual financial statement shall include previous years' revenues and expenditures and the current indebtedness of the Town of Fox Lake.

**Section 16: Public Contracts**

a. Items Required for Bids

The Town Board of the Town of Fox Lake shall advertise for bids for any public contract. A public contract means a contract for the construction, execution, repair, remodeling or improvement of any public work or building or for the furnishing of materials or supplies, with an estimated cost to the Town of Fox Lake greater than five thousand dollars (\$5,000.00). The Town Board of the Town of Fox Lake shall, prior to execution of any public contract, require proof of notice of publication if publication of the bids is required pursuant to Sec. 60.47 Wis. Stats. The Town of Fox Lake shall not enter a public contract with an estimated cost of more than five thousand dollars (\$5,000.00) but not more than twenty-five thousand dollars (\$25,000.00) unless the Town Board or a Town official or employee designated by the Town Board gives a Class 1 notice under Chapter 985 Wis. Stats., before the execution of the contract.

The Town Board of the Town of Fox Lake may, in addition, require that the estimated

amounts less than five thousand dollars (\$5,000.00) be placed for bid and that certain additional items such as equipment to be sold and services to be rendered to the Town of Fox Lake be contracted for by bid.

b. Advertising Required for Bids

The Town Board of the Town of Fox Lake or its designee shall, except as noted in Section 4, advertise for proposals to perform the terms of the public contract by publishing a proper notice under Chapter 985 Wis. Stats.

c. Lowest Bidder

The Town of Fox Lake shall let a public contract for which advertising for proposals is required to the lowest responsible bidder.

d. Exceptions to Bid Process

This ordinance does not apply to any public contract entered into by the Town of Fox Lake with another municipality. Municipality, for this ordinance is defined as; the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, water utility district, mosquito control district, municipal electric company, county or city transit commission or regional planning commission. In addition, the public bid requirements are optional with respect to public contract for the repair and construction of public facilities in the Town of Fox Lake when damage or threatened damage creates an emergency. The emergency must be declared by the Town Board of the Town of Fox Lake prior to entering into the contract and the emergency must endanger the public health or welfare of the Town of Fox Lake. This exception does not apply when the Town Board of the Town of Fox Lake declares that the emergency no longer exists. Finally, the public bid requirements do not apply to any public work performed directly by the Town of Fox Lake.

e. Private Interest in Public Contract Prohibited

All Town of Fox Lake officers and employees shall comply fully with “Ordinance Chapter 5, Section 7” relating to ethics and shall not violate Sec. 946.13 Wis. Stats.

In addition, pursuant to Sec. 946.13 Wis. Stats., no Town of Fox Lake officers and employees shall negotiate a public contract, bid a public contract or enter into any contract or participate in the making of a public contract in which he or she has a private pecuniary interest, direct or indirect, which involve receipts and disbursements by the Town of Fox Lake aggregating more than fifteen thousand dollars (\$15,000.00) in any year.

## **Section 17: Bonding**

a. General Authority

The Town Board of the Town of Fox Lake is authorized to bond pursuant to Chapter 67 Wis. Stats., Sec. 60.10 Wis. Stats., and this ordinance.

b. Amount of Bond and General Obligations

The Town Board of the Town of Fox Lake is authorized to bond, except as provided in Sec. 67.01(9), Wis. Stats., to the amount of five percent (5%) of the value of the taxable property in the Town of Fox Lake as equalized for state purposes with the percentage amount not to exceed five percent (5%) of the value of the taxable property located in the Town of Fox Lake as equalized for such purposes.

Maximum amount of bonds noted herein and other obligations do not apply to revenue bonds issued by the Town of Fox Lake. The following projects, as projects are defined in Chapter 67 Wis. Stats., and for this ordinance can be undertaken for public purposes as public purpose is defined in Chapter 67 Wis. Stats., by the Town of Fox Lake by issuance of bonds: construction or improvement of land, waters, property, highways, buildings, equipment or facilities.

c. Procedure

The Town Board of the Town of Fox Lake, pursuant to Sec. 60.10 Wis. Stats., must receive authorization from the Town meeting to issue general obligation bonds for the Town of Fox Lake in the manner and the purposes provided by law.

The Town Board of the Town of Fox Lake, if the Town of Fox Lake seeks to issue a bond, must, pursuant to Chapter 67 Wis. Stats., adopt a resolution prior to issuance of the bond, except as noted below. This initial resolution adopted by the Town Board of the Town of Fox Lake must state the purpose and maximum amount of the borrowing. The electors, as an alternative to the Town Board adoption of the initial resolution, may at the annual meeting or at a special meeting adopt the initial resolution. After the adoption of the initial resolution by either the Town Board of the Town of Fox Lake or by the electors of the Town of Fox Lake, the Town Clerk/Treasurer of the Town of Fox Lake shall initially record the resolution and call a special referendum election for the purpose of submitting the resolution to the electors of the Town of Fox Lake for their approval. The Town of Fox Lake shall follow the referendum procedure established in Sec. 67.05 Wis. Stats. Referendums are not required for:

- 1) Refunding obligations.
- 2) Acquiring, developing, remodeling, constructing and equipping land, buildings and facilities for regional properties either alone or acting jointly under Sec. 66.30 Wis. Stat,

d. Term of Bond

All Town of Fox Lake bonds by this ordinance shall be made payable not later than twenty (20) years after the original date. The Town Board of the Town of Fox Lake may require that the bonds be made payable prior to the twenty (20) years.

e. Debt Service Fund

The Town Board of the Town of Fox Lake shall, pursuant to Sec. 67.11 Wis. Stats., establish a Debt Service Fund to service the municipal obligations under the bond.

f. Temporary Borrowing

The Town Board of the Town of Fox Lake may, pursuant to Sec. 67.12 Wis. Stats., and this ordinance, issue municipal obligations in anticipation of receiving federal or state aids, taxes levied or other deferred payments. The municipal obligations issued under the section shall not exceed, by this ordinance, thirty-three percent (33%) but, pursuant to Sec. 67.12 Wis. Stats., never more than sixty percent (60%) of the municipality's total actual and anticipated receipts in the borrowing fiscal year and shall be repaid no later than twelve (12) months but, pursuant to Sec. 67.12 Wis. Stats., never more than eighteen (18) months after the first day of the fiscal year. This amount does not constitute indebtedness for purpose of determining the municipal constitution debt limitation. In addition, the Town Board of the Town of Fox Lake may issue for the Town of Fox Lake promissory notes as evidence of indebtedness for any public purpose. Each note, plus interest, shall be paid within ten (10) years but, pursuant to



Sec. 67.12 Wis. Stats., never to exceed ten (10) years. Promissory notes issued for treatment plants under Sec. 144.241 Wis. Stats., shall be repaid within twenty (20) years after completion of the treatment work project.

g. Protest Action

The Town Board of the Town of Fox Lake may not issue, pursuant to Sec. 67.22 Wis. Stats., for the Town of Fox Lake any bonds, except refunding bonds, if within thirty (30) days after the adoption of the initial resolution a petition is filed with the Town Clerk/Treasurer of the Town of Fox Lake contesting the issuance of bonds which is signed by a majority of the electors as defined in Sec. 67.02 (1) Wis. Stats., in the Town of Fox Lake and which requests that the contested bond issue not be made.

h. Diversion of Funds

Every Town of Fox Lake officer and employee, the surety on these bonds of these officers and employees and any other person participating directly or indirectly in any impairment of the borrowed money fund of the Town of Fox Lake or a debt service fund of the Town of Fox Lake shall be liable to the Town of Fox Lake to restore such fund in total. The Town Board of the Town of Fox Lake, upon knowledge of such diversion, shall immediately inform the Town Attorney of the Town of Fox Lake of the diversion and request the appropriate legal advice regarding the diversion.

## **Section 18: Property Tax Collection**

a. Membership of Board of Review

The Town Board of the Town of Fox Lake and the Town Clerk/Treasurer of the Town of Fox Lake shall comprise the Town of Fox Lake Board of Review. The Town Clerk/Treasurer of the Town of Fox Lake shall be the Clerk of the Board of Review. No assessor for the Town of Fox Lake may serve on the Board of Review.

b. Compensation for Board of Review

The members of the Board of Review shall receive salary compensation as established by the Town Board of the Town of Fox Lake. Members who are full-time employees or full-time officers of the Town of Fox Lake shall not receive compensation. The compensation shall be the same hourly rate as paid election workers.

c. Time and Place

The members of the Board of Review shall meet annually on the first (1<sup>st</sup>) Monday of June at the Town Hall of the Town of Fox Lake.

d. Procedure

The Board of Review shall proceed in compliance with Chapter 70 Wis. Stats. The Board of Review process shall be as follows:

- 1) The Board of Review of the Town of Fox Lake will meet annually at anytime during the thirty (30) day period beginning on the second (2<sup>nd</sup>) Monday of May. The meeting shall be at the Town Hall unless otherwise designated by the Town Board of the Town of Fox Lake. A majority of the members will be a quorum.
- 2) All meetings of the Board of Review of the Town of Fox Lake are to be open to all citizens at all times. No formal action of any kind shall be introduced, deliberated upon or adopted in any closed session or closed meeting of the Board of Review.

- 3) The hours of the first meeting of the Board of Review of the Town of Fox Lake shall be a minimum of two (2) hours. The meeting shall be between 4:00 p.m. and 12:00 a.m. (midnight). Any change in the time of the first meeting will not be effective until notice is posted in not less than three (3) public places in the Town of Fox Lake for at least ten (10) days before the first meeting.
- 4) The Board of Review of the Town of Fox Lake may adjourn from time to time until business is complete. If the meeting is adjourned for more than one (1) day, a written notice shall be posted on the outer door of the place of the meeting stating what time the meeting will be adjourned.
- 5) The named Clerk/Treasurer of the Town of Fox Lake shall keep a record in the minute book of the proceedings.
- 6) The Board of the Review of the Town of Fox Lake shall carefully examine the roll or rolls and correct all apparent errors in description and computation. The Board of the Review of the Town of Fox Lake shall not raise or lower the assessment except after hearing.
- 7) The Board of Review of the Town of Fox Lake shall receive objections, shall provide a hearing and shall correct the assessments pursuant to Sec. 70.47 Wis. Stats.
- 8) The Clerk/Treasurer shall make the changes to the assessment roll ordered by the Board of Review of the Town of Fox Lake as follows:
  - a) In full on or before January 31 or in two (2) equal installments unless the total real property tax is less than one hundred dollars (\$100.00). If less than one hundred dollars (\$100.00), the taxes are due by January 31.
  - b) If paid in two (2) installments the first installment is due on or before January 31 and the second payment is due on or before July 31. All special assessments, special charges and taxes are due on or before January 31.
  - c) The first payment is to be paid to the Town Clerk/Treasurer of the Town of Fox Lake and the second payment is to be paid to the County Treasurer.
- 9) The Town Board of the Town of Fox Lake has the specific authority under ss. 70.47 (6m) (c) and 70.47 (1), Wis. stats., to remove members from and to appoint alternate members to the Board of Review for the Town of Fox Lake.

The Town Board of the Town of Fox Lake, Dodge County, Wisconsin, by this ordinance, establishes and shall maintain a public list of names and persons eligible and appointed by the Town Board to serve as alternate members of the board of review. The list shall be arranged and maintained by the Town Clerk/Treasurer in a priority order of probable and likely service as an alternate. The Town Clerk/Treasurer shall notify any named member who has been lawfully removed under s. 60.47 (6m) (a) or (b), Wis. stats., and shall the notify the alternate person of his or her appointment to replace a named member of the Board of Review. The alternate, once noticed, if he or she approves the appointment, and if he or she would not violate s. 19.59, Wis. stats., shall then take the oath of office and act as a member of the board of Review under s. 60.47 (6m) (c), Wis. stats.

The following electors of the Town of Fox Lake are named as alternates in the order indicated to serve as alternate Board of Review members.

Alternate 1: \_\_\_\_\_  
Alternate 2: \_\_\_\_\_  
Alternate 3: \_\_\_\_\_  
Alternate 4: \_\_\_\_\_

Alternate 5: \_\_\_\_\_

Note: The Town Board may name as many alternates as they deem necessary to meet the statutory requirement that no less than 3 Board of Review members are needed to make a final determination of an objection to the property assessment.

e. Multiple Payments of Property Taxes

The Town Board of the Town of Fox Lake requires that all taxes on real property shall be paid pursuant to Sec.74.11 Wis. Stats.

## **Section 19: Special Assessment Procedure**

a. Scope of Special Assessment

The Town Board of the Town of Fox Lake may levy and collect special assessment and charges, pursuant to Sec. 66.60 Wis. Stats., to pay for all or part of the cost of any public work or improvement. Special assessments in the Town of Fox Lake may serve as a method of payment for public improvements or as a method to pay the bonds when the bond is only issued to pay the costs for public improvements.

b. Special Assessment Projects

The Town Board of the Town of Fox Lake may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred by a Town of Fox Lake project on the property and may provide for payments of all or part of the cost of the Town of Fox Lake project out of the proceeds of such special assessments.

The following projects are subject to special assessment:

- 1) Sanitary Sewers
- 2) Water Mains
- 3) Storm Sewers
- 4) Curb and Gutters
- 5) Street Lighting

c. Procedure

The Town of Fox Lake shall follow the following special assessment procedure established in Sec. 66.60 Wis. Stats. and this ordinance, namely:

- 1) The Town Board of the Town of Fox Lake shall adopt a preliminary resolution declaring its intention to exercise special assessment powers for a stated Town of Fox Lake purpose. The resolution shall describe the contemplated purpose, the limits of the project assessment district, the number of installments in which special assessments will be paid or that the number of installments will be determined by the Town Board of the Town of Fox Lake at a hearing. The resolution will also direct the Chairperson to make a report to the Town Board of the Town of Fox Lake. Finally, the resolution may limit the proportion of the cost to be assessed.
- 2) The Town Board of the Town of Fox Lake shall receive a written report pursuant to Sec.66.60 Wis. Stats. This report shall be completed and filed with the Town Clerk/Treasurer of the Town of Fox Lake thirty (30) days after adoption of the preliminary resolution by the Town Board of the Town of Fox Lake. The Town Clerk/Treasurer of the Town of Fox Lake shall provide the report for public inspection.

If the State of Wisconsin may be subject to special assessment, then the Town Clerk/Treasurer of the Town of Fox Lake shall file the report with the appropriate state agency or with the State Building Commission if the assessment is established at fifty thousand dollars (\$50,000.00) or more.

- 3) The Town Clerk/Treasurer of the Town of Fox Lake shall provide the proper notice for a public hearing pursuant to Sec. 66.60 Wis. Stat. This notice shall contain the nature of the project, the general boundary lines, the time and place the report may be inspected and the time and place for the hearing. In addition, the Town Clerk/Treasurer of the Town of Fox Lake may, in the notice, provide a map of the special assessment district. The Town Clerk/Treasurer of the Town of Fox Lake shall publish the notice as a Class 1 notice under Chapter 985 Wis. Stats. This notice shall be mailed to every interested party whose address is known or can be ascertained with reasonable diligence at least ten (10) days before the hearing. All persons who appear at the hearing will be provided an opportunity to be heard for or against the project.

## **Section 20: Investment Procedure/Public Depository**

### **a. Long Term Investment Depository**

The Town Clerk/Treasurer of the Town of Fox Lake, as the Town of Fox Lake Investment Officer, may invest, at his or her discretion, except as noted below, long term funds and temporary funds not immediately needed by the Town of Fox Lake. These investments must comply with Sec.66.04 Wis. Stats.

The Town Board of the Town of Fox Lake and the Town Clerk/Treasurer of the Town of Fox Lake shall use the following criteria in determining the financial options available to the Town of Fox Lake in investing the financial assets of the Town of Fox Lake, namely:

- 1) The safety of the investment
- 2) The maturity of the investment
- 3) The liquidity of the investment
- 4) The yield of the investment
- 5) The other services available to the Town of Fox Lake with the investment

### **b. Temporary and Long Term Fund Depository**

The Town Board of the Town of Fox Lake shall name the public depository or public depositories for any temporary fund investments and long term fund investments. The Town Clerk/Treasurer of the Town of Fox Lake shall deposit funds promptly on a weekly basis or when he or she receives over five hundred dollars (\$500.00) at any one time, whichever is earlier. These public depositories shall be approved financial institutions as noted in Sec. 66.04 Wis. Stat.

## **Section 21: Appropriations**

### **a. Non-Appropriation Items**

The Town Board of the Town of Fox Lake may appropriate Town of Fox Lake funds as established by law. The Town of Fox Lake specifically can not appropriate funds for the following:

- 1) No appropriation of any kind shall be made by the Town of Fox Lake nor any municipal liability created or tax levied as a consideration or inducement to the State of Wisconsin to locate any public education, charitable, reformatory or penal institution.

- 2) No appropriation of any kind to authorize funds or pay to a physician, surgeon or a hospital, clinic or other medical facility for the performance of an abortion except those permitted under and which are performed in accordance with Sec. 20.927 Wis. Stat.
- 3) No appropriation for any item where Town meeting authorization is specifically required and the Town meeting has not specifically authorized the appropriation.

b. Items to Review in Appropriations

The Town Board of the Town of Fox Lake, prior to approving any appropriations, and assuming the Town Board of the Town of Fox Lake has the proper appropriation authority shall review, at minimum, the following:

- 1) The current availability of funds under the approved Town of Fox Lake budget.
- 2) That the proper Town of Fox Lake authority approved the purchase of the item or service.
- 3) That the item or items to be received by the Town of Fox Lake are of the same type, amount and designation as the item originally approved by the Town of Fox Lake authority.
- 4) That the item or items to be received by the Town of Fox Lake are in satisfactory quality and quantity.
- 5) That the item or items have been and will continue to be received in a timely manner by the Town of Fox Lake.
- 6) That the Town of Fox Lake has had no past legal or financial problems with or concerns regarding the vendor or the service provider.
- 7) That the Town of Fox Lake has complied with the proper bidding law and ordinances regarding the item or items.
- 8) That the proper Town of Fox Lake authority that approved the item or service and the Town Board of the Town of Fox Lake has no direct or indirect conflict or interest regarding the item or service.
- 9) That the Town of Fox Lake has not been charged any sales tax.
- 10) That the Town of Fox Lake has not already paid previously for the item or service.
- 11) That the vendor or service provider has the financial, the commercial and the legal ability to fully comply with any contract.
- 12) That no real or alleged conflict of interest or ethical concerns have been raised regarding the appropriation.

**Section 23: Fire Cost Reimbursement**

The Town Board of the Town of Fox Lake may develop and maintain the proper funding for fire protection. The Town Board of the Town of Fox Lake may charge property owners a fee for the cost of fire protection provided to their property according to a written schedule established by the Town Board of the Town of Fox Lake.

## **Section 24: Financial Audit**

### **a. Scope of Audit**

The Town Board of the Town of Fox Lake shall provide for financial audits of the Town of Fox Lake. All accounts of the Town of Fox Lake will be audited.

### **b. Audit Regularity**

The Town Board of the Town of Fox Lake shall arrange for a financial audit of the Town of Fox Lake, at least, annually. The audit will be completed by a certified public accountant or by the Department of Revenue if the Department of Revenue provides this service. The Town Clerk/Treasurer will cooperate fully with these audits.

## CHAPTER 5 PERSONNEL MANAGEMENT

### **A. GENERAL PERSONNEL POLICY ORDINANCE**

#### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake General Personnel Policy Ordinance”. The purpose of this ordinance is to define and describe the policies and procedures related to the personnel practices of the Town and the manner in which to personnel polices and procedures are to be implemented.

#### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific authority, pursuant to Sec. 19.59, 60.22, 60.32, 60.321, 60.37, 111.31, 111.322 and 111.345 Wis. Stats., and has the authority by its village powers, pursuant to Sec. 60.10 and 60.22 Wis. Stats., to establish certain qualifications, duties, powers and terms of employment for certain Town of Fox Lake employees and Town of Fox Lake officers and to establish a written personnel policy beyond any existing employee contracts or labor agreements for the Town of Fox Lake.

#### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the statutory authority, duties and powers noted above and has established, by those above noted statutory authorities and this ordinance, the powers and duties of the Town Board of the Town of Fox Lake, certain Town of Fox Lake employees and certain Town of Fox Lake officers, established specific qualifications, duties, powers and terms of employment for Town of Fox Lake employees and Town of Fox Lake officers, including compensation for elected officials. This ordinance does not include part-time elected officers, part-time non-elected officers, full-time elected officers, part-time employees, limited term employees or retained or contracted personnel of the Town of Fox Lake unless specifically so noted in each section. Full-time Town of Fox Lake employees and full-time Town of Fox Lake elected or non-elected officers shall be considered employees who work for and are employed by the Town of Fox Lake for six hundred (600) hours or more over a consecutive twelve (12) month period.

#### **Section 4: General Compliance**

The Town of Fox Lake, its officers and its employees will comply with federal and state laws, federal and state regulations and this ordinance relating to any possible employment discrimination by the Town of Fox Lake, including the possible discrimination related to hiring, promotion, transfer, compensation, lay-off and termination of any Town of Fox Lake employees and non-elected Town of Fox Lake officers.

The Town Board of the Town of Fox Lake has, by this ordinance, designated itself as the general authority to hire, appoint, compensate, promote, train, educate, transfer, demote, suspend, discipline, terminate and establish any other terms and conditions of employment for Town of Fox Lake employees and for Town of Fox Lake non-elected officers, subject to any federal and state laws, subject to federal and state regulations, subject to any Town of Fox Lake ordinance, subject to any labor contracts and subject to any employee contracts between the Town of Fox Lake and any Town of Fox Lake employee or non-elected Town of Fox Lake officer.

## **Section 5: Application/Hiring/Promotion/Orientation/Probation Policy**

### **a. General Policy**

The Town of Fox Lake, its officers and its employees will not, in the hiring policy or hiring program for Town of Fox Lake employees or for non-elected Town of Fox Lake officers, act in any discriminatory manner as noted in Sec. 111.321 and 111.322 Wis. Stats. The Town of Fox Lake, its officers and its employees will comply with federal and state laws, federal and state regulations and this ordinance relating to any employment, including hiring, education, training, compensation, promotion, transfer, suspension lay-off, demotion, discipline and termination of Town of Fox Lake employees and non-elected Town of Fox Lake officers.

### **b. General Application Process**

In developing, preparing and approving an employment application process and policy for prospective Town of Fox Lake employees and prospective non-elected Town of Fox Lake officers, the Town Board of the Town of Fox Lake shall follow and develop appropriate application procedures to avoid charges or claims of employment discrimination, to obtain properly qualified candidates for the positions and to hopefully insure that qualified and capable persons are employed by the Town of Fox Lake as both Town of Fox Lake employees and non-elected Town of Fox Lake officers.

### **c. Hiring/Promotion Procedures**

In the actual hiring process, the Town of Fox Lake shall follow certain procedures to hopefully insure that properly qualified persons are employed by the Town of Fox Lake in both Town of Fox Lake employee and non-elected Town of Fox Lake officer positions.

#### **1) Job Description**

The Town of Fox Lake shall have a written job description developed, prepared, approved and published for every employee and non-elected officer position of employment in the Town of Fox Lake. These job descriptions shall be updated at least every five (5) years. Prior to requesting and receiving any written job applications for any positions of employment in the Town of Fox Lake, the Town Board of the Town of Fox Lake shall have developed, prepared and then approved a complete job description for the position. The Chairperson of the Town of Fox Lake shall be the responsible person to develop and prepare a complete written job description for the approval of the Town Board of the Town of Fox Lake.

#### **2) Initial Approval Action**

If any officer or employee of the Town of Fox Lake makes an oral or written request for the hiring of any employee or non-elected officer in the Town of Fox Lake the request first must be submitted to the Town Board of the Town of Fox Lake for review and approval. After the review, the Chairperson of the Town of Fox Lake shall then determine that the job description has been written for the position. If the Town Board of the Town of Fox Lake determines the job description is written and that it is adequate, then the Town Board of the Town of Fox Lake shall approve, publish and proceed with the hiring process. If no job description has been written or if the job description is adequate and needs to be updated, the Town Board of the Town of Fox Lake shall develop and prepare or have developed and prepared, or update or have updated the job description. The Town Board of the Town of Fox Lake shall then receive a complete written job description and shall approve the job description prior to the Town of Fox Lake proceeding with any hiring of a person to fill the position of employment in the Town of Fox Lake.



### 3) Receipt of Application

Upon a job description completeness determination and job description approval determination by the Town Board of the Town of Fox Lake, the Town of Fox Lake may proceed to fill the position of employment if the Town Board of the Town of Fox Lake has first agreed by approved majority vote that the position be filled as noted below.

- a) Rehiring a qualified person from the position of employment from any established written recall list of past full-time or part-time employees or non-elected officers of the Town of Fox Lake. This public list of past employees and non-elected officers shall be maintained and updated by the Town Clerk/Treasurer of the Town of Fox Lake.
- b) If no person is hired from this list, then the Town Clerk/Treasurer of the Town of Fox Lake shall, at minimum, post in three (3) usual and customary places for notices in the Town of Fox Lake the employment opening with the appropriate job description. This shall be posted for the period of fourteen (14) days. This notice will state the job description and the need to complete and file a written job application form with the Town Clerk/Treasurer of the Town of Fox Lake. Any person may refer any potential job applicant to the Town Clerk/Treasurer of the Town of Fox Lake. In addition, the Town Board of the Town of Fox Lake may decide, at its discretion, to publish the employment opening with the job description in the official newspaper along with any other publications or other media. The Town Board of the Town of Fox Lake shall make the final decision as to the extent and amount of recruitment that will occur for any employment opening.
- c) The written applications for the job opening shall be filed with the Town of Fox Lake Clerk/Treasurer of the Town of Fox Lake. Any applicant may resubmit an application. Upon notice by the Town Clerk/Treasurer that the application was deficient due to applicant filing incomplete application or based on the initial returned application form, the applicant is disqualified due to the failure of the applicant to meet previously established minimum standards established by the Town Board. If a person, based on the returned application form, is initially disqualified for the employment opening, the Town Clerk/Treasurer of the Town of Fox Lake will inform the person that they are initially disqualified based on the returned application form and the application deficiency for being disqualified.

Any application for a job opening received by the Town Clerk/Treasurer of the Town of Fox Lake which is false, untrue or fraudulent with intent to mislead in any manner will subject the applicant to automatic disqualification for the job opening by the Town Board of the Town of Fox Lake. If the applicant is now employed by the Town of Fox Lake, he or she will be subject to immediate involuntary termination and discharge or discipline by the Town Board of the Town of Fox Lake.

### 4) Qualification for Employment

If a suitable qualified applicant is found, the Town Board of the Town of Fox Lake or its designee may hire the applicant. The Town Board of the Town of Fox Lake or its designee may hire any person with or without a formal interview. The Town Board of the Town of Fox Lake or its specific designee shall be the final and sole determinant of qualifications for the position of employment. The qualifications for the job imposed by the Town Board of the Town of Fox Lake or its designee must be directly related to successful and capable performance of the

position of employment. The Town of Fox Lake, its officers and its employees must not engage in any employment discrimination actions related to qualifications for the job opening that are prohibited by Chapter 111 Wis. Stats.

#### 5) Promotion

The Town Board of the Town of Fox Lake shall be the final determinant of qualifications for any promotion in employment in the Town of Fox Lake and shall determine whether the hiring of any specific person to any specific job would be a promotion for that employee. Promotions made by the Town Board of the Town of Fox Lake will be made on the basis of qualifications, merit and then length of service. For any current employment to be considered a factor in promotion, the employee seeking promotion must have completed the probationary period and have been in his or her current position for two (2) years. The promoted employee will have a six month (6 month) period of probation in the new position of employment.

#### 6) Designated Agent

The Town Board of the Town of Fox Lake may delegate the actual recruitment, the actual interviewing, the search and the production of applications, the selection of finalists and the formal hiring to be completed by a designee.

#### 7) Exemptions From Hiring/Promotion Procedures

The hiring/promotion procedures and requirements in this section do not cover Town of Fox Lake full-time or part-time elected officials. These officials are not subject to these provisions or the Town of Fox Lake policy.

#### d. Orientation/Probation

##### 1) General Program

The Town of Fox Lake shall have prepared and have maintained a proper general orientation and probation policy and program for any newly hired or rehired full-time employees and full-time non-elected officers of the Town of Fox Lake.

##### 2) Designated Agent

The Town Board of the Town of Fox Lake may delegate the responsibilities for the development and implementation of the orientation and probation policy and program to its designee.

##### 3) Written Material

The orientation/probation policy and program shall contain oral and written information regarding the Town of Fox Lake and oral and written information related to the specific employment position. The orientation/probation program shall commence within five (5) days after commencement of the employment and shall end at the end of the probation.

##### 4) Specific Policies

The following are policies and information that should be contained in the orientation/probation program:

- a) Promotion/Education/Training Policy
- b) Personal Conduct/Work Rules Policy
- c) Holidays/Vacation Policy
- d) Family and Medical Leave/First Aid Policy
- e) Safety/Injury/Employee Right to Know Policy
- f) Excused Absence/Unexcused Absence Policy

- g) Pay Schedule/Expense Reimbursement Policy
- h) Testing and Privacy Policy
- i) Probation/Residency Requirement Policy
- j) Ethics/Nepotism Policy
- k) Political Activity/Solicitation Policy
- l) Job Evaluation/Personnel Policy
- m) Work Schedule/Contract With Employee Policy
- n) Benefit Policy
- o) Union Membership Policy, if any
- p) Civil Service Policy, if any

#### 5) Facility and Personnel Introduction

The newly hired or rehired full-time employee and full-time non-elected officers shall be provided an introduction to the facilities of the Town of and an introduction to appropriate officials and appropriate employees of the Town of Fox Lake, including those officers or employees in the department, agency or office of employment for the newly hired or rehired employee or officer.

#### 6) Probation Periods

All newly hired Town of Fox Lake full-time employees and full-time non-elected officers will have a three (3) calendar month probation period. Any newly hired Town of Fox Lake full-time employee and full-time non-elected officers may be terminated at anytime during the probation period without charge, cause or without hearing subject to compliance by the Town of Fox Lake with proper public policy, with applicable federal and state laws, federal and state regulations and Town of Fox Lake ordinances. The Town Board of the Town of Fox Lake reserves the right for any newly hired full-time employee or full-time non-elected officer to extend his or her probation period at anytime during the original probation period up to an additional three (3) months.

All rehired Town of Fox Lake full-time employees and full-time non-elected officer will have a three (3) calendar month probation period. Any rehired Town of Fox Lake full-time employee may be terminated at anytime during the probation period without charge, cause or without hearing subject to compliance by the Town of Fox Lake with proper public policy, with federal and state regulations, federal and state laws and Town of Fox Lake ordinances.

All promoted or transferred Town of Fox Lake full-time employees and full-time non-elected officers will have a six (6) calendar month probation period. Any promoted or transferred Town of Fox Lake full-time employee and full-time non-elected officer may, at anytime during their probation period, at his or her voluntary request be returned to his or her former position or, at the order of the Town Board of the Town of Fox Lake or its designee, be returned to his or her former position without charge, cause or without hearing.

#### 7) Exemptions

The Town Board of the Town of Fox Lake shall not be required to provide any orientation or probation program or policy for limited term and part-time employees or part-time or full-time elected officials.

## **Section 6: Seniority/Training and Education Policy**

### **a. General Policy**

The Town Board of the Town of Fox Lake will not, in the seniority, training and education policy and program for Town of Fox Lake employees and non-elected Town of Fox Lake officers, act in any discriminatory manner as noted in Sec.111.321 and 111.322 Wis. Stats.

### **b. Seniority**

#### **1) Seniority Policy**

The personnel policy and program of the Town of Fox Lake shall be developed, implemented and administered to encourage the Town of Fox Lake to hire, whenever practicable, current Town of Fox Lake qualified full-time and part-time employees and current non-elected Town of Fox Lake qualified full-time and part-time officers to fill any new or any vacant positions of employment in the Town of Fox Lake. In addition, the personnel policy and program shall be established to allow and encourage full-time employees of any specific department in the Town of Fox Lake to be given priority for promotion in their department over full-time or part-time employees in other departments in the Town of Fox Lake. Finally, the personnel policy and program shall be established to allow and encourage length of continued full-time service for the Town of Fox Lake to be considered a factor in promotions to any new or any vacant positions in the Town of Fox Lake, if this is the only significant factor of difference in the qualifications of the applicants.

#### **2) Lay-off/Military**

Seniority will continue for any Town of Fox Lake full-time employee or Town of Fox Lake full-time non-elected officer during any layoff periods for the employee or officer or during any service with the military forces of the United States. However, for military service, the Town of Fox Lake employee or Town of Fox Lake officer must return to work within thirty (30) days after discharge from said services.

#### **3) Seniority List**

The Town of Fox Lake will maintain a seniority list which shall be posted on the employee bulletin board.

#### **4) Additional Benefits**

The Town Board of the Town of Fox Lake may reward seniority with wage differentials, vacation differentials and other fringe benefit differentials.

#### **5) Non-Discrimination**

The Town of Fox Lake will not act in any discriminatory manner as noted in Sec. 111.322 Wis. Stats., in the promotion of any Town of Fox Lake employee or non-elected Town of Fox Lake officer.

#### **6) Exemptions**

The Town Board of the Town of Fox Lake shall not be required to consider for promotion and seniority the employment time of an employee or officer when that employee or officer was a part-time employee, limited term employee, part-time elected officer or full-time elected officer for the Town of Fox Lake.

c. Training and Education

1) Training and Education Policy

The Town Board of the Town of Fox Lake shall approve for all full-time, part-time and limited term employees and full-time or part-time elected or non-elected officers reimbursement for the following costs and expenses incurred by these persons for the educational training:

- |                          |            |
|--------------------------|------------|
| a) Tuition               | d) Travel  |
| b) Textbooks             | e) Meals   |
| c) Other Study Materials | f) Lodging |

2) Non-Discrimination

The Town of Fox Lake will not act in any discriminatory manner as noted in Sec. 111.321 and 111.322 Wis. Stats., in the training and education for any Town of Fox Lake employees or Town of Fox Lake non-elected officers.

**Section 7: Personal Conduct/Work Rules Policy**

a. Misconduct

1) Personnel Conduct Policy

The written personal conduct policy and program of the Town of Fox Lake shall be developed, implemented and administered to encourage courteous, non-discriminatory, respectful and legal behavior among all Town of Fox Lake employees and all Town of Fox Lake officers during working hours and non-working hours. Certain conduct by any Town of Fox Lake employee or any Town of Fox Lake officer may be labeled misconduct by the Town Board of the Town of Fox Lake upon the development of a policy by the Town Board of the Town of Fox Lake regarding such conduct or upon specific administrative action by the Town Board of the Town of Fox Lake.

2) Specific Misconduct

All employees and all elected and non-elected officials, regardless of any seniority, part-time or full-time status or position, shall not demonstrate or participate in the following Town of Fox Lake employment conduct or Town of Fox Lake office conduct:

- a) Intentionally use or misuse the property owned or leased by the Town of Fox Lake without exercising due care in protecting this property. The Town of Fox Lake, its employees and officers will comply with Sec.103.445 Wis. Stats., related to wage or salary deductions for faulty workmanship, loss, theft or damage.
- b) Intentionally possess and intentionally maintain any alcoholic beverage or controlled substance on any property owned by or leased by the Town of Fox Lake without approval shall immediately place these items with the Town Police, the County Sheriff or other law enforcement officers. This provision shall not apply to employees or officers where the item is obtained by the employee or officer with a medical prescription.
- c) Transport to, store, possess or use alcoholic beverages or any controlled substance on any property owned by or leased by the Town of Fox Lake without approval of the Town Board of the Town of Fox Lake. This provision shall not apply to any employees or officers where the item is obtained by the employee or officer with a medical prescription.
- d) Drink alcoholic beverages or using controlled substances during working hours or on property owned by or leased by the Town of Fox Lake without a medical prescription or

without approval of the Town Board of the Town of Fox Lake. They shall refrain in all respects from reporting to work or working under the influence of alcohol or a controlled substance without a proper medical prescription or without approval of the Town Board of the Town of Fox Lake. Any employee or officer with a problem related to alcohol or drug abuse is encouraged to secure counseling or other treatment. Alcohol or drug abuse alone will not be the basis for the Town Board of the Town of Fox Lake to order dismissal or to refuse to consider the employee for a promotion or transfer. However, alcohol or drug abuse will not be tolerated during working hours.

- e) Except for emergencies, the use of the telephone of the Town of Fox Lake for making or receiving personal telephone calls. The use or stealing of the Town of Fox Lake stamps, postage machines, mailing services, stationary and other office supplies, including Town vehicles.
- f) Demonstrate any reckless conduct on property owned by or leased by the Town of Fox Lake.
- g) Commit or provoke any physical assault on property owned by or leased by the Town of Fox Lake or upon any employee or any elected or non-elected officer.
- h) Steal or illegally dispose of any property from the Town of Fox Lake, from any employee or from any elected or non-elected officer.
- i) Intentionally possess any firearm or other dangerous weapons during working hours or on property owned by or leased by the Town of Fox Lake without approval of the Town Board of the Town of Fox Lake.
- j) Commit any illegal gambling during working hours or on property owned by or leased by the Town of Fox Lake.
- k) Release confidential information of the Town of Fox Lake to any party including any closed records of the Town of Fox Lake without the approval of the Town Board of the Town of Fox Lake.
- l) Threaten or intimidate any employee or elected or non-elected officer.
- m) Wear clothing during working hours that may cause or lead to exposure or injury.  
Employees shall refrain in all respects during working hours from wearing suggestive clothing.
- n) Fail to maintain to the maximum extent possible proper hygiene during working hours including clean hands, clean fingernails and clean hair.
- o) Sleep or intentionally loaf without medical excuse during working hours.
- p) Moonlight, if the employee is a full-time employee or a full-time elected or non-elected officer, without approval of the Town Board of the Town of Fox Lake.
- q) Engage in intimate sexual and personal activities during working hours that will substantially and negatively affect the daily work performance of the employee or elected or non-elected officer.
- r) Cause any sexual harassment of any employee or elected or non-elected officer.
- s) Smoke during working hours or on the property owned by or leased by the Town of Fox Lake except where smoking is permitted and then only at authorized breaks and at lunch time.
- t) Place smoking materials near combustible materials.
- u) Fail to read on the bulletin board all employee and non-elected officer information provided by the Town of Fox Lake.
- v) Falsify Town of Fox Lake records or conceal false records made by any other Town of Fox Lake employee or Town of Fox Lake officer. These include job applications and

hourly wage slips.

- w) Fail to provide the proper notice for any absence or tardiness from work to the proper Town of Fox Lake supervisor.
- x) Violate any of the Town of Fox Lake ordinances regarding political activity for any Town of Fox Lake employee and Town of Fox Lake officer.
- y) Violate the Town of Fox Lake ordinance regarding ethics of Town of Fox Lake employees and Town of Fox Lake officers.
- z) Use abusive or profane language during working hours before Town of Fox Lake employees, before Town of Fox Lake officers or before the general public.
- z (1) Falsify claims and statements regarding paid leave of absence eligibility and qualifications.
- z (2) Intentionally fails or refuses to perform a known mandatory non-discretionary, ministerial duty or his or her office or employment for the Town of Fox Lake within the time or in the manner required by law.
- z (3) In his or her capacity as a officer or employee of the Town of Fox Lake, does act which he or she knows is in excess of his or her lawful authority or which he or she knows he or she is forbidden by law to do in his or her official capacity.
- z (4) Whether by act of commission or omission, in his or her capacity as such Town of Fox Lake officer or Town of Fox Lake employee exercise a discretionary power in a manner inconsistent with the duties of his or her office or employment or the rights of others and with intent to obtain a dishonest advantage for himself or herself or another.
- z (5) In his capacity as such Town of Fox Lake officer or Town of Fox Lake employee, make an entry in an account or record book or return, certificate, report or statement which in a material respect he or she intentionally falsifies.
- z (6) Under color of his or her Town of Fox Lake office or Town of Fox Lake employment, intentionally solicit or accept for the performance of any service or duty anything of value which he or she knows is greater or less than is fixed by law.

The above described conduct shall be considered misconduct sufficient to require discipline by the Town Board of the Town of Fox Lake for any Town of Fox Lake employee or Town of Fox Lake non-elected officer. Discipline may include, at the discretion of the Town Board of the Town of Fox Lake, suspension of employment with the Town of Fox Lake, termination of employment with the Town of Fox Lake or removal from the office in the Town of Fox Lake in the case of any non-elected appointed officer. For elected officials, certain misconduct described above, specifically z(2) through z(6), may be sufficient to have these officials charged in criminal court with a felony for misconduct in office under Sec. 946.12 Wis. Stats., or to have these officials charged in criminal court with bribery of public officers and employees under Sec. 946.10 Wis. Stats.

#### b. Non-Discrimination

The Town of Fox Lake, its officers and its employees shall not act in any discriminatory manner as noted in Sec.111.321 and 111.332 Wis. Stats., in establishing, maintaining and enforcing terms and conditions of employment for Town of Fox Lake employees or non-elected Town of Fox Lake officers, including the establishment and enforcement of any work rules established by the Town Board of the Town of Fox Lake or its designees.

## **Section 8: Compensation/Reimbursement/Hours of Work**

### **a. General Policy**

The Town Board of the Town of Fox Lake has, pursuant to Sec. 60.22, 60.321, 60.37 Wis. Stats., and by this ordinance, provided for salary or wages of elected and non-elected Town of Fox Lake officers, except Town Board Supervisors, Town Clerk/Treasurer and Town of Fox Lake employees and for reimbursement of expenses incurred by any elected and non-elected Town of Fox Lake officers and Town of Fox Lake employees. The Town Board of the Town of Fox Lake has, by this ordinance, determined the salary and wage schedule, except for the Town Board of Supervisors, Town Clerk/Treasurer and has determined who is eligible for expense reimbursement, the expenses that are reimbursable and the amount for reimbursement. Expenses reimbursed under this ordinance and Sec. 60.321 Wis. Stats., include but are not limited to:

- 1) Traveling expenses, including mileage, lodging and meal expenses.
- 2) Costs associated with programs of individuals related to the office or employment.

The Town of Fox Lake, except for offices combined pursuant to Sec. 60.305 Wis. Stats., and “Ordinance Chapter 2. “, shall not compensate a Town officer of the Town of Fox Lake for acting in more than one official capacity or office in the Town of Fox Lake at the same time.

An elected official of the Town of Fox Lake, who by virtue of his or her office is entitled to participate in the establishment of the salary attending his or her office, shall not during the term of such office collect a salary in excess of the salary provided at the time of his or her taking office.

### **b. Wage and Salary Approval**

The Town of Fox Lake Town meeting dated November 8, 2004 has, by resolution and has by this ordinance, confirmed the compensation, established by the Town meeting, for elective officials effective April, 2005. The compensation effective as of April, 2005 until changed shall be as follows:

Office	Amount
Town Chairperson	\$8,250 Annually
Town Supervisors I & II	\$4,250 Annually

The Town of Fox Lake Town meeting dated November 8, 2004 has, by resolution and has by this ordinance, confirmed the compensation, established by the Town meeting, for elective officials effective April, 2005. The compensation effective as of April, 2005 until changed shall be as follows:

Town Clerk/Treasurer	\$17,000 Annually
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The Town of Fox Lake Town meeting dated November 8, 2004 has, by resolution and has by this ordinance, confirmed the compensation, established by the Town meeting, for elective officials effective April, 2006. The compensation effective as of April, 2006 until changed shall be as follows:

Office	Amount
Town Supervisor III & IV	\$4,250 Annually



c. Reimbursement of Costs and Expenses

The Town Board of the Town of Fox Lake does determine, pursuant to Sec. 60.321 Wis. Stats., and pursuant to this ordinance, that all reimbursement for costs and expenses appropriately and necessarily incurred in the performance of the duties of any elective official of the Town of Fox Lake shall be approved or disapproved by the Town Board of the Town of Fox Lake at its regularly scheduled meetings. Any employee or officer of the Town of Fox Lake seeking reimbursement for costs and expenses incurred in the performance of his or her duties shall submit a written statement of the expenses incurred and the amount incurred to the Town Clerk/Treasurer of the Town of Fox Lake prior to the regular meeting of the Town Board of the Town of Fox Lake.

The Town Board of the Town of Fox Lake shall approve in total or in part or disapprove the costs and expense reimbursement requested by the employee or officer at the regular scheduled meeting of the Town Board of the Town of Fox Lake. The Town Board of the Town of Fox Lake shall approve or disapprove the request for reimbursement for costs and expenses based on whether the costs and expenses incurred were reasonably incurred by the employee or officer of the Town of Fox Lake in performance of official duties for the Town of Fox Lake and that the amounts sought for reimbursement were reasonable in amount.

d. Compensation

The Town Board of the Town of Fox Lake will, on or about October 1<sup>st</sup>, receive written and oral recommendations for salaries and wages for all the Town of Fox Lake employees and all elected and non-elected Town of Fox Lake officials.

These recommendations will be received from the Chairperson. The Town Board of the Town of Fox Lake will, on or about the 2<sup>nd</sup> Monday in November or the 2<sup>nd</sup> Monday in May approve the salary and wage scales for Town of Fox Lake employees and elected and non-elected Town of Fox Lake officials, excluding the members of the Town Board, and Clerk/Treasurer of the Town of Fox Lake.

e. Hours of Work

The Town Board of the Town of Fox Lake shall approve the hours of work for all Town of Fox Lake employees and all full-time elected and non-elected Town of Fox Lake officials.

Part-time elected Town of Fox Lake officials have no established expected hours of work. They are expected to be in attendance at all regular and special meetings of the Town Board of the Town of Fox Lake and any annual and special Town meeting. The salary and benefits, if any, shall be established by the Town meeting as required by law.

f. Overtime

The Town Board of the Town of Fox Lake shall establish, except for members of the Town Board of the Town of Fox Lake, an overtime policy for Town of Fox Lake employees and Town of Fox Lake officials receiving an hourly wage, per diem or salary. This policy shall provide, at minimum that wages will be paid time and one-half for anytime worked over forty (40) hours per week.

## **Section 9: Employee Health and Safety Protections/Employee Safe Place/Employee Right to Know**

### **a. General Policy**

The Town Board of the Town of Fox Lake shall establish and maintain a policy to create and maintain health and safety protections for Town employees and officers, including but not limited to:

- 1) Establishing standards for public health and safety protection
- 2) Inspections of Town of Fox Lake buildings and facilities.
- 3) Record keeping related to work related injuries and illness and work related exposures to toxic materials.
- 4) Notification to its employees and officers regarding exposures to toxics and hazardous agents.
- 5) Anti-discrimination provisions for employees and officers to allow “whistle-blowing”.
- 6) Employee and officer notice of toxic materials and infectious agents in the work place
- 7) Record keeping and retention of records related to toxic materials in the work place
- 8) Employee and officer information to be provided related to toxic materials and infectious agents and pesticides in the work place
- 9) Employee and officer rights not to work with toxic substance, infectious agents, providing required education and training programs and penalties for failure to comply with the law.

### **b. Public Health and Safety Standards**

The Town of Fox Lake shall comply with the standards and regulations adopted by the State of Wisconsin Department of Industry, Labor and Human Resources, pursuant to Sec. 101.055 Wis. Stats., related to protections for the safety and health of Town of Fox Lake employees and Town of Fox Lake officers.

The Town Board of the Town of Fox Lake shall be provided these standards for its review and for its appropriate action to establish compliance by the Town of Fox Lake. These standards may include, but are not limited to:

- 1) Information to be provided to Town of Fox Lake employees and Town of Fox Lake officers related to hazards in the work place.
- 2) Information to be provided to Town of Fox Lake employees and Town of Fox Lake officers related to precautions to be taken and emergency treatment practices to be used in the event of an accident or over exposure to a toxic substance.
- 3) Provisions related to providing the information to Town of Fox Lake employees and Town of Fox Lake officers through posting, labeling or other suitable means.
- 4) Provisions related to providing Town of Fox Lake employees and Town of Fox Lake officers related to the use of protective equipment and technological procedures to control hazards.
- 5) Provisions related to toxic substances or harmful physical agents including monitoring or measuring of exposure of any Town of Fox Lake employee or Town of Fox Lake officer.

### **c. Inspections**

The Town of Fox Lake shall comply with the inspection powers and rights provided to the State of Wisconsin Department of Workforce Development under Sec. 101.055 Wis. Stats., to inspect a Town of Fox Lake place of employment for the Town of Fox Lake. The Town of Fox Lake may not refuse a representative of the State of Wisconsin Department of Workforce

Development to inspect a place of employment. If the Town of Fox Lake, its officers, employees or agents attempts to prevent inspection by a representative of the State of Wisconsin Department of Industry, Labor and Human Relations from conducting an inspection, then the representative from the State of Wisconsin Department of Workforce Development may obtain a warrant under Sec. 66.122 Wis. Stats.

d. Enforcement by Order

If the Town of Fox Lake has violated any safety and health standard or variance or condition which poses a recognized hazard likely to cause death or severe physical harm to a Town of Fox Lake employee or Town of Fox Lake officer, the State of Wisconsin Department of Workforce Development will issue an order to the Town of Fox Lake. The Town Chair of the Town of Fox Lake will receive the order. The order will be posted at or near the site by the Town Chair of the Town of Fox Lake or his or her designee. The Town of Fox Lake shall insure that the order is not altered, defaced or covered by other materials. The Town of Fox Lake or any employee affected by this order or decision by the State of Wisconsin Department of Workforce Development has the right to appeal pursuant to Sec. 101.055 Wis. Stats. The State of Wisconsin Department of Workforce Development may also seek injunctive relief or mandamus relief to negate or attempt to negate a hazard reasonably expected to cause death or severe physical harm.

e. Record keeping and Notification Obligations

The Town of Fox Lake shall, by the Town Clerk/Treasurer of the Town of Fox Lake, maintain records of Town of Fox Lake employees and Town of Fox Lake officers of work related injuries and illnesses and shall make reports of these injuries and illnesses to the State of Wisconsin Department of Workforce Development. These reports shall also be filed with the Town Board of the Town of Fox Lake.

The Town of Fox Lake shall maintain records of any exposures by Town of Fox Lake employees and Town of Fox Lake officers to toxic materials and harmful physical agents which are materials and agents required by standards adopted by the State of Wisconsin Department of Workforce Development for monitoring and measuring. The Town Board of the Town of Fox Lake shall be provided by the Clerk/Treasurer any information regarding any monitoring or measuring of these toxic materials and harmful physical agents.

The Town of Fox Lake, by the Town Clerk/Treasurer of the Town of Fox Lake, shall promptly notify a Town of Fox Lake employee or Town of Fox Lake officer who has been or is being exposed to any toxic material or harmful physical agent at a level which exceeds that prescribed by the safety and health standards of the State of Wisconsin Department of Workforce Development. The Town of Fox Lake employee or Town of Fox Lake officer shall be informed by the Town Clerk/Treasurer of the Town of Fox Lake of any corrective action being taken by the Town of Fox Lake. The Town Board of the Town of Fox Lake shall be fully informed by the Town Clerk/Treasurer of the Town of Fox Lake regarding the exposures and the corrective action options to be taken by the Town of Fox Lake.

The Town of Fox Lake, by the Town Clerk/Treasurer of the Town of Fox Lake, shall notify all of the Town of Fox Lake employees and Town of Fox Lake officers of their protection and rights by posting a summary of protections and rights in the place of employment where notices are usually posted.

The Town Clerk/Treasurer of the Town of Fox Lake shall, unless otherwise noted by the Town Board of the Town of Fox Lake, be the person responsible to represent the Town of Fox Lake in matters related to work place protections, including matters related to this ordinance.

f. Anti-Discrimination and “Whistle Blowing”

The Town of Fox Lake shall not discharge or discriminate against any Town of Fox Lake employee or Town of Fox Lake officer because he or she:

- 1) Filed a request with the State of Wisconsin Department of Workforce Development.
- 2) Instituted or caused to be instituted any action or proceeding relating to occupational safety and health matters under Sec. 101.055 Wis. Stats.
- 3) Testified or will testify in such a proceeding.
- 4) Reasonably refused to perform a task which represents a danger or severe injury or death.
- 5) Exercised any other right related to occupational safety and health which is afforded by Sec. 101.055 Wis. Stats.

The Town Board of the Town of Fox Lake shall be, by the Town Clerk/Treasurer of the Town of Fox Lake, apprised of any claim of discrimination under Sec. 101.055 Wis. Stats. The Town Board of the Town of Fox Lake shall, by the Town Clerk/Treasurer of the Town of Fox Lake, be apprised of any Town of Fox Lake employee or Town of Fox Lake officer who reasonably or unreasonably refuses to perform a task which he or she claims a danger of severe injury or death. Whenever any Town of Fox Lake employee or Town of Fox Lake officer believes discrimination or discharge occurred to him or her pursuant to Sec. 101.055 Wis. Stats., he or she shall notify the Town Clerk/Treasurer of the Town of Fox Lake of the alleged discrimination or discharge. This notice to the Town Clerk/Treasurer of the Town of Fox Lake shall be deemed the knowledge of the alleged discrimination or discharge.

g. Safe Place

The Town of Fox Lake shall comply fully with Sec. 101.11 Wis. Stats., relating to the employers duty to furnish safe employment and a safe place to work. Town of Fox Lake employees and Town of Fox Lake officers who believe a Town of Fox Lake building or Town of Fox Lake facility is unsafe or in need of repair shall notice the Town Clerk/Treasurer of the Town of Fox Lake of such condition. Town of Fox Lake employees and Town of Fox Lake officers who believe certain safety devices and safeguards must be obtained or maintained to provide a safe place for working conditions or who believe that certain work methods and work processes should be changed to provide a safer place for working conditions shall immediately notice the Town Clerk/Treasurer of the Town of Fox Lake.

1) Safety Devices

No Town of Fox lake employee or Town of Fox Lake officer shall remove, damage, destroy or carry off any safety device or safeguard furnished or provided for use by the Town of Fox Lake in any employment or place of employment, nor shall any Town of Fox Lake employee or Town of Fox Lake officer interfere in anyway in the use thereof by any other person.

2) Methods

No Town of Fox Lake employee or Town of Fox Lake official shall interfere with the use of any method or process adopted for the protection of any Town of Fox Lake employee or Town of Fox Lake officer in employment or in a Town of Fox Lake place of employment or adopted to protect any frequenter of the Town of Fox Lake place of employment.

### 3) Other Actions

No Town of Fox Lake employee or Town of Fox Lake official shall fail or neglect to do everything reasonably necessary to protect the life, health, safety or welfare of any other Town of Fox Lake employee or Town of Fox Lake officer or any frequenters to any Town of Fox Lake place of employment.

### 4) Enforcement

Any Town of Fox Lake employee or Town of Fox Lake official who willfully violates sections (a) or (b) noted above shall be subject to immediate discharge or other less severe disciplinary actions by the Town Board of the Town of Fox Lake.

#### h. Notice of Toxic Materials, Infectious Agents or Pesticides in the Work Place

##### 1) General Notice

The Town of Fox Lake, by the Town Clerk/Treasurer of the Town of Fox Lake, shall post in every work place at the location where notices to the Town of Fox Lake employees or Town of Fox Lake officers are usually posted a sign which informs the Town of Fox Lake employees and Town of Fox Lake officers that the Town of Fox Lake is required, upon request, to provide to him or her or his or her representative the following:

- a) The identity of any toxic substance or infectious agent which the Town of Fox Lake employee or Town of Fox Lake officer is likely to be exposed to.
- b) A description of any hazardous effect of the toxic substance or infectious agent.
- c) Information regarding precautions to be taken when handling the toxic substance or infectious agent.
- d) Information regarding procedures for emergency treatment in the event of overexposure to the toxic substance or infectious agent.
- e) Access to the information contained on the label of any pesticide with which the Town of Fox Lake employee or Town of Fox Lake officer works with or to which the Town of Fox Lake employee or Town of Fox Lake officer is likely to be exposed.

##### 2) Pesticide Use Notice

The Town of Fox Lake shall, for pesticide use, post, by the Town Clerk/Treasurer of the Town of Fox Lake, signs in the prominent places in the work places which informs Town of Fox Lake employees and Town of Fox Lake officers that the Town of Fox Lake shall provide access to information contained on the label of any pesticide with which the Town of Fox Lake employee or Town of Fox Lake officer works or to which the Town of Fox Lake employee or Town of Fox Lake officer is likely to be exposed.

##### 3) Minor Notice

The Town of Fox Lake shall, by the Town Clerk/Treasurer of the Town of Fox Lake, send to any parent or guardian of a minor notice of the rights that a Town of Fox Lake employee or Town of Fox Lake officer has pursuant to Sec. 101.581 Wis. Stats., and this ordinance.

#### i. Toxic Substance Information Requests

##### 1) Retention of Information

The Town of Fox Lake, except as established by rule of the State of Wisconsin Department of Workforce Development, shall:

- a) Retain any material safety data sheet relating to a toxic substance and containing the information required to be provided to Town of Fox Lake employees and Town of Fox Lake officers under Section 2 for thirty (30) years after the date upon which the Town of Fox Lake last received the toxic substance in the work place.
- b) Maintain a written list identifying any toxic substance present in a work place on or after May 10, 1984, except as provided in subs. c and the dates that the toxic substance is present in the work place. If a list is maintained, each toxic substance required to be on the list shall be included on the list until thirty (30) years after the last date on which the substance is received in the work place. Within thirty (30) days after a written request by a Town of Fox Lake employee or Town of Fox Lake officer or representative, exclusive of weekends and legal holidays, the Town of Fox Lake shall provide to the Town of Fox Lake employee or Town of Fox Lake officer or representative a copy of any list maintained for the Town of Fox Lake employee's or Town of Fox Lake officer's work place or the work place of the Town of Fox Lake employees or Town of Fox Lake officers represented by the representative.
- c) A toxic substance need not be included on a list if in the area in which any Town of Fox Lake employee or Town of Fox Lake officer usually works the toxic substance is received in packages of one (1) kilogram or less and if no more than ten (10) kilograms of the toxic substance are used on or purchased for that area per year.
- d) A toxic substance need not be included on a list if it is a mixture containing one (1) or more mineral dusts listed in 29 CFR 1910.1000, table z-3.

## 2) Toxic Information to Employees/Officers

The Town of Fox Lake, except as provided in Sec. 101.589 Wis. Stats., within fifteen (15) days after a written request by a Town of Fox Lake employee or Town of Fox Lake officer or his or her representative, exclusive of weekends and legal holidays, shall, by the Town Clerk/Treasurer of the Town of Fox Lake, provide the Town of Fox Lake employee or Town of Fox Lake officer or his or her representative in writing the following information regarding any toxic substance with which the Town of Fox Lake employee or Town of Fox Lake officer works or worked or to which the Town of Fox Lake employee or Town of Fox Lake officer is likely to be or has been exposed:

- a) The trade name of the toxic substance.
- b) The chemical name and any commonly used synonym for the toxic substance and the chemical name and any commonly used synonym for its major components.
- c) The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the toxic substance.
- d) The flash point and flammable limits of the toxic substance.
- e) Any permissible exposure level, threshold limit value or other established limit value for exposure to the toxic substance.
- f) The stability of the toxic substance.
- g) Recommended fire extinguishing media, special fire fighting procedures and any unusual fire and explosion hazard information for the toxic substance.
- h) Any effect of overexposure to the toxic substance, emergency and first aid procedures and a telephone number to be called in an emergency.
- i) Any condition or material which is incompatible with the toxic substance and must be avoided.

- j) Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the toxic substance.
- k) Procedures for the handling, clean-up and disposal of toxic substances leaked or spilled.

### 3) Refuse to Provide Information

The Town of Fox Lake is not required to provide information regarding a toxic substance as noted above if the Town of Fox Lake employee or Town of Fox Lake officer or his or her representative making the request has previously requested information about the toxic substance within the proceeding twelve (12) months, unless the Town of Fox Lake employee or Town of Fox Lake officer has changed or there is a new information available concerning any of the subjects which information is requested to be provided by Sec. 101.583 Wis. Stats., or by this ordinance.

### 4) Town Clerk/Treasurer Responsibility

The Town Clerk/Treasurer of the Town of Fox Lake shall receive all requests from Town of Fox Lake employees or Town of Fox Lake officers. The Town Clerk/Treasurer of the Town of Fox Lake, for information regarding toxic substances, shall immediately upon receipt of a request for information notice the Town Board of the Town of Fox Lake regarding this request. The Town of Fox Lake, by the Town Clerk/Treasurer of the Town of Fox Lake, shall attempt in any request by a Town of Fox Lake employee or Town of Fox Lake officer to provide the most current and the most comprehensive information regarding the toxic substance reasonably available to the Town of Fox Lake. The Town Clerk/Treasurer of the Town of Fox Lake shall safely secure and maintain all written materials, written requests, data sheets and lists regarding these toxic materials.

## j. Infectious Agents

### 1) Infectious Agent Information to Employees/Officers

The Town of Fox Lake, except as provided in Sec. 101.589(1) and (3) Wis. Stats., within seventy-two (72) hours after a written request by a Town of Fox Lake employee or Town of Fox Lake officer or his or her representative, exclusive of weekends and legal holidays, shall provide in writing to the Town of Fox Lake employee or Town of Fox Lake officer or his or her representative the following information regarding any infectious agent which the Town of Fox Lake employee or Town of Fox Lake officer works with or is likely to be exposed to if the infectious agent is present in the work place when the request is made or at anytime during the thirty (30) days immediately preceding the request:

- a) The scientific name and any commonly used synonyms of the infectious agent.
- b) Any method or route of transmission of the infectious agent.
- c) Any symptom or effect of infections, emergency and first aid procedures and a telephone number to be called in an emergency.
- d) Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the infectious agent.
- e) Procedures for handling, clean-up and disposal of infectious agents leaked or spilled.

### 2) Refuse to Provide Information

The Town of Fox Lake is not required to provide information regarding an infectious agent as noted above if the Town of Fox Lake employee or Town of Fox Lake officer or his or her representative making the request has previously requested information about the infectious agent within the preceding twelve (12) months, unless the job assignment of the Town of Fox

Lake employee or Town of Fox Lake officer has changed or there is new information available concerning any of the subjects about which information is requested to be provided by Sec. 101.585 Wis. Stats., or by this ordinance.

### 3) Town Clerk/Treasurer Responsibility

The Town Clerk/Treasurer of the Town of Fox Lake shall receive all requests for information regarding infection agents from Town of Fox Lake employees and Town of Fox Lake officers. The Town Clerk/Treasurer of the Town of Fox Lake shall immediately upon receipt of a request for information notice the Town Board of the Town of Fox Lake regarding the request. The Town Board of the Town of Fox Lake, by the Town Clerk/Treasurer of the Town of Fox Lake, shall attempt in any request by a Town of Fox Lake employee or Town of Fox Lake officer to provide the most current and most comprehensive information regarding the infectious agent reasonably available to the Town of Fox Lake. The Town Clerk/Treasurer of the Town of Fox Lake shall safely secure and maintain the written materials, the data sheets, the written requests and the lists regarding the infectious agents.

### k. Pesticides

#### 1) Pesticide Information to Employees/Officers

The Town of Fox Lake shall, within seventy-two (72) hours of a request from a Town of Fox Lake employee or Town of Fox Lake officer or his or her representative, exclusive of weekends and legal holidays, by the Town Clerk/Treasurer of the Town of Fox Lake, provide the requesting Town of Fox Lake employee or Town of Fox Lake officer or his or her representative with access to the container label or the literature requested by the Federal Environmental Protection Agency or the State of Wisconsin Department of Agriculture, Trade and Consumer Protections to be on the container label for any pesticide with which the Town of Fox Lake employee or Town of Fox Lake officer works with or to which the Town of Fox Lake employee or Town of Fox Lake officer is likely to be exposed to.

#### 2. Refuse to Provide Information

The Town of Fox Lake is not required to provide information regarding a pesticide as noted above if the Town of Fox Lake employee or Town of Fox Lake officer or his or her representative making the request has previously requested information about the pesticide within the preceding twelve (12) months, unless the job assignment of the Town of Fox Lake employee or Town of Fox Lake officer has changed or there is new information available concerning any of the subjects about which information is requested to be provided by Sec. 101.585 Wis. Stats., or by this ordinance.

#### 3. Town Clerk/Treasurer Responsibility

The Town Clerk/Treasurer of the Town of Fox Lake shall receive all requests for information regarding pesticides from Town of Fox Lake employees or Town of Fox Lake officers or his or her representative. The Town Clerk/Treasurer of the Town of Fox Lake shall, immediately upon receipt of a request for information, notice the Town Board of the Town of Fox Lake regarding the request. The Town Board of the Town of Fox Lake, by the Town Clerk/Treasurer of the Town of Fox Lake, shall attempt in any request by a Town of Fox Lake employee or Town of Fox Lake officer, to provide the most current and most comprehensive information available to the Town of Fox Lake. The Town Clerk/Treasurer of the Town of Fox Lake shall safely secure and maintain all the written materials, the data sheets, the written request and any lists regarding the pesticides.



## l. Confidential Information

The Town of Fox Lake may declare certain information confidential pursuant to Sec. 101.592 Wis. Stats. The Town Board of the Town of Fox Lake shall be responsible to make the claim that any information requested of the Town of Fox Lake is, pursuant to Chapter 101 Wis. Stats., confidential and the Town Board of the Town of Fox Lake shall be responsible if it does declare certain information confidential, to release also to the requesting Town of Fox Lake employee, Town of Fox Lake officer or other person any information, data and materials that it did not declare confidential.

### m. Employee Rights

#### 1) Right to Know

Except as provided in Sec. 101.589(3) and 101.592 Wis. Stats., any Town of Fox Lake employee or Town of Fox Lake officer who has requested information, pursuant to Sec. 101.595 Wis. Stats., about any toxic substances, infectious agents or pesticides, pursuant to Sec. 101.583, 101.585 or 101.586 Wis. Stats., and has not received the information as required under Sec. 101.583, 101.585, 101.586, 101.589(1) or 101.589(2) Wis. Stats., the Town of Fox Lake employee or Town of Fox Lake officer may refuse to work with or be exposed to the toxic substance, infectious agent or pesticide until such time as the Town of Fox Lake supplies the information under Sec. 101.583, 101.585, 101.586 and this ordinance to the Town of Fox Lake employee or Town of Fox Lake officer who had made the request.

#### 2) Retaliation Prohibited

The Town of Fox Lake may not discharge or otherwise discipline or discriminate against any Town of Fox Lake employee or Town of Fox Lake officer because he or she has exercised his or her statutory right under Sec. 101.58 to 101.599 Wis. Stats., and under this ordinance or has testified or is about to testify in any proceeding related to these sections and this ordinance.

#### 3) Waiver

The Town of Fox Lake or any other person may not request or require any Town of Fox Lake employee or Town of Fox Lake officer to waive any rights under Sec. 101.58 to 101.599 Wis. Stats., or under this ordinance.

### n. Department Requests

The Town of Fox Lake shall, by the Town Clerk/Treasurer of the Town of Fox Lake, provide the State of Wisconsin Department of Workforce Development and the State of Wisconsin Department of Health and Social Services, upon request, with the same information to be provided Town of Fox Lake employees and Town of Fox Lake officers under Sec. 101.583, 101.585 and 101.586 Wis. Stats.

### o. Extension of Time for Information

#### 1) General Time Extension

The Town of Fox Lake, if it does not receive the information requested under Sec. 101.583(2)(a) or 101.585(1) at the time of request made by a Town of Fox Lake employee or Town of Fox Lake officer, then the Town of Fox Lake shall provide the information within thirty (30) days after the request, exclusive of weekends and legal holidays.

## 2) Extension of Time for Certain Toxins

If a toxic substance was present in the work place at anytime on or after December 1, 1982, but is not present in the work place when a request is made under Sec. 101.583(2)(a) Wis. Stats., the Town of Fox Lake shall provide the information within thirty (30) days after the request, exclusive of weekends and legal holidays.

## 3) Extension of Time for Requests for Manufacturer or Suppliers

If the Town of Fox Lake has requested from the manufacturer or supplier of a toxic substance or from the supplier of an infectious agent any information required to be provided under Sec. 101.583(2)(a) or 101.585(1) Wis. Stats., but who has not received and does not already have that information, the Town of Fox Lake is not required to provide the information but shall notify any requesting Town of Fox Lake employee or Town of Fox Lake officer or his or her representative that the Town of Fox Lake has requested, has not received and does not otherwise have the information.

### p. Information from Manufacturers or Suppliers

Any manufacturer or supplier of any toxic substance transported or sold for use in the State of Wisconsin and then sold to the Town of Fox Lake or any supplier of an infectious agent transported or sold in the State of Wisconsin and then sold to the Town of Fox Lake shall, within fifteen (15) days, exclusive of weekends or legal holidays, after receipt of a request by the Town of Fox Lake, by the Town Clerk/Treasurer of the Town of Fox Lake, provide to the Town of Fox Lake, by the Town Clerk/Treasurer of the Town of Fox Lake, the information the Town of Fox Lake is required to provide Town of Fox Lake employees or Town of Fox Lake officers under Sec. 101.583(2)(a) or 101.585(1) Wis. Stats.

### q. Education and Training

#### 1) Education and Training

The Town of Fox Lake shall, under the direction of the Town Board, provide, pursuant to Sec. 101.597 Wis. Stats., an education and training program prior to an initial assignment to a work place by any Town of Fox Lake employee or Town of Fox Lake officer where he or she may be routinely exposed to any toxic substance, infectious agent or pesticide.

#### 2) General Program for Toxic Substances and Infectious Agents

The program contents of the education or training program for each toxic substance or infectious agent, except as noted, to which the Town of Fox Lake employee or Town of Fox Lake officer may be routinely exposed shall include:

- a) For a toxic substance, the trade name, generic or chemical name and any commonly used synonym for the toxic substance and the trade name, generic or chemical name and any commonly used synonym for its major components.
- b) For an infectious agent, its name and any commonly used synonym.
- c) Any symptom of acute or chronic effect of overexposure to the toxic substance of infectious agent.
- d) For a toxic substance, the potential for flammability, explosion and reactivity.
- e) Proper conditions for safe use of and exposure to the toxic substance or infectious agent.
- f) Special precautions to be taken and personal protective equipment to be worn or used, if any, when handling or coming into contact with the toxic substance of infectious agent.

- g) Procedures for handling, clean-up and disposal of toxic substances or infectious agents leaked or spilled.

### 3) Exceptions

In an area where Town of Fox Lake employees or Town of Fox Lake officers usually work with a large number of toxic substances or infectious agents which are received in packages of one (1) kilogram or less and no more than ten (10) kilograms of which are used or purchased per year, the Town of Fox Lake may provide a general education or training program in lieu of the education or training program described in par. (1). The general training program shall be provided prior to the initial assignment of the Town of Fox Lake employee or Town of Fox Lake officer's initial assignment to the area and shall include:

- a) The information specified in par (a) and (b).
- b) The nature of the hazards posed by the toxic substances or infectious agents or both.
- c) General precautions to be taken when handling or coming into contact with the toxic substances or infectious agents.

### 4) Pesticides

The program contents of the education or training program for each pesticide to which the Town of Fox Lake employee or Town of Fox Lake officer may be routinely exposed shall include:

- a) The trade name, generic or chemical name and any commonly used synonym for the pesticide and the trade name, generic or chemical name and any commonly used synonym for its major ingredients.
- b) The location of the pesticide and the location where it is used.
- c) Any symptom of acute or chronic effect of overexposure to the pesticide.
- d) Proper conditions for safe use of and exposure to the pesticide.
- e) Special precautions to be taken and personal protective equipment to be worn or used, if any, when handling or coming into contact with the pesticide.
- f) Procedures for handling, clean-up and disposal of leaks or spills of the pesticide.

## r. Remedies

### 1) Complaint

Any Town of Fox Lake employee or Town of Fox Lake officer may file a complaint under Sec. 101.599 Wis. Stats., against the Town of Fox Lake with the State of Wisconsin Department of Workforce Development alleging a violation of 101.583, 101.585, 101.586, 101.595 or 101.597(1) or (2) Wis. Stats. This complaint must be filed within thirty (30) days after the violation occurs or the Town of Fox Lake employee or Town of Fox Lake officer or his or her representative obtains knowledge of the violation.

### 2) Remedies

The State of Wisconsin Department of Workforce Development under Sec. 101.599 Wis. Stats., may remedy the effects of any violation by order.

### 3) Civil Forfeitures

The Town of Fox Lake or any other person, except as noted in (1), who violated Sec. 101.58 to 101.599 Wis. Stats., or an order of the State of Wisconsin Department of Workforce Development under Sec. 101.58 to 101.599 Wis. Stats., shall forfeit not more than one thousand dollars (\$1,000) for each violation.

The Town of Fox Lake or any other person who willfully violates or exhibits a pattern of violations of Sec. 101.58 to 101.599 Wis. Stats., or an order of the State of Wisconsin Department of Workforce Development shall forfeit not more than ten thousand dollars (\$10,000) per violation.

#### 4) Local Remedies

The Town of Fox Lake, to remedy violations of Sec. 101.58 to 101.599, (2003-04) Wis. Stats., and this ordinance, may establish policies and procedures to remedy any violations of Sec 101.58 to 101.599 Wis. Stats.

### **Section 10: Leave of Absence Policy**

#### a. Excused Absence/Unexcused Absence

The personnel policy and program of the Town of Fox Lake shall be developed, implemented and administered with the goal to limit and negate unexcused absenteeism.

The Town Board of the Town of Fox Lake recognizes as legitimate excuses for non-elected employees and non-elected officers for absence from employment the following:

- 1) Personal Illness (Sick Leave)
- 2) Emergency Leave/Funeral Leave
- 3) Personal Matters
- 4) Jury Duty/Witness Duty
- 5) Maternity Leave
- 6) Paternity Leave
- 7) Approved Leave of Absence

#### b. Approved Leave of Absence Policy

Any Town of Fox Lake employee or non-elected Town of Fox Lake official may request in writing a leave of absence from work without pay. This leave of absence must be approved in writing by the Town Board of the Town of Fox Lake or its designee. This leave of absence approval by the Town Board of the Town of Fox Lake or its designee must address the time of the leave, the reason for the leave and the expectations, if any, for the Town of Fox Lake employee or non-elected Town of Fox Lake official returning to his or her job in the Town of Fox Lake.

### **Section 11: Ethics**

#### a. Applicability

This section shall be applicable for the below noted Town of Fox Lake officers and the below noted Town of Fox Lake employees in compliance with Chapter 19 Wis. Stats.:

- 1) Chairperson
- 2) Supervisors
- 3) Clerk/Treasurer
- 4) Police Officer
- 5) Building Inspector
- 6) Weed Commissioner
- 7) Municipal Judge
- 8) Municipal Court Clerk

b. Standard of Ethical Conduct

1) Use of Office in Compliance with Chapter 19 Wis. Stats.

The above noted Town of Fox Lake officers and the above noted Town of Fox Lake employees shall comply with Chapter 19 Wis. Stats., and this ordinance.

2) Disclosure of Information

No persons in the Town of Fox Lake offices noted in subsection (a) nor any persons holding public positions in the Town of Fox Lake noted in subsection (a) may intentionally use or disclose information gained in the course of or by reason of his or her office or public position or activities in anyway that could result in the receipt of anything of value for himself or herself, for his or her immediate family or for any other person, if the information has not been circulated to the public or is not public information.

3) Use of Office for Private Gain

No persons in the Town of Fox Lake offices noted in subsection (a) nor any persons holding public positions in the Town of Fox Lake as noted in subsection (a) may use or attempt to use his or her Town of Fox Lake office or his or her public position in the Town of Fox Lake to influence or gain unlawful benefits, advantages or privilege for himself or herself or other persons.

4) Use of Office to Obtain Public Items

No Town of Fox Lake official nor Town of Fox Lake employee shall request, demand use or permit the use of any Town of Fox Lake owned or Town of Fox Lake supported property, vehicle, equipment, material, labor or service for the personal convenience of the Town of Fox Lake official or Town of Fox Lake employee or any other person for the private advantage of the Town of Fox Lake official or Town of Fox Lake employee or for any other person. This prohibition on the Town of Fox Lake official and Town of Fox Lake employee shall not be deemed to prohibit a Town of Fox Lake official or Town of Fox Lake employee from requesting, demanding, using or permitting the use of such Town of Fox Lake owned or Town of Fox Lake supported property, vehicle, equipment, material, labor or service when it is the general practice to make available to the general public at large in the Town of Fox Lake or when these items are provided to the Town of Fox Lake official or Town of Fox Lake employee as a matter of Town of Fox Lake employment policy for the use of Town of Fox Lake officials and Town of Fox Lake employees in the conduct of official Town of Fox Lake operations and business.

5) Use of Office in Contract or Lease

No persons in the Town of Fox Lake offices noted in subsection (a) nor any persons holding public positions in the Town of Fox Lake noted in subsection (a), no member of the immediate family of these persons in these offices and positions, nor any organization with which these persons in these offices and positions or a member of their immediate family owns or controls at least ten percent (10%) of the outstanding equity, voting rights or outstanding indebtedness may enter into any contract or lease involving a payment or payments of more than fifteen thousand dollars (\$15,000.00) within a twelve (12) month period, in whole or in part derived from Town of Fox Lake funds, unless the Town of Fox Lake official or the person holding the public position has first made written disclosure of the nature and extent of such relationship or interest to the Town Board of the Town of Fox Lake. Any contract or lease entered into in violation of this subsection may be voided by the Town Board of the Town of Fox Lake in an action commenced within three (3) years of the

date of which the Town Board of the Town of Fox Lake or the Town of Fox Lake officer acting for the Town of Fox Lake knew or should have known that a violation of this subsection had occurred. This subsection does not affect the criminal sanctions or general application of Sec. 946.13 Wis. Stats.

#### 6) Use of Office in Representation

No persons in the Town of Fox Lake offices noted in subsection (a) nor any persons in public positions in the Town of Fox Lake noted in subsection (a) may represent a person for compensation before any committee, commission, board or any other special government unit of the Town of Fox Lake or before any employee of the Town of Fox Lake, except:

- a) In a contested case which involves a party other than the Town of Fox Lake with interest adverse to those represented by the above noted persons,
- b) At an open hearing of the Town Board of the Town of Fox Lake, any committee, commission, board or any other special government unit of the Town of Fox Lake at which stenographic or other record is maintained;
- c) In a matter that involves only ministerial action by the Town Board of the Town of Fox Lake, any committee, commission, board or any other special government unit of the Town of Fox Lake.

This subsection does not apply to representation by the above noted persons when they are acting in their official capacity.

#### 7) Use of Former Office or Position

No persons who formerly held the Town of Fox Lake offices noted in subsection (a) nor any persons who formerly held the public positions of the Town of Fox Lake noted in subsection (a) for twelve (12) months following the date on which he or she ceased to hold the above noted office or position, may, for compensation, on behalf of any person other than a government entity, make any formal or informal appearance before, or negotiate with, any officer or employee of the Town of Fox Lake with which he or she was associated as a Town of Fox Lake officer or Town of Fox Lake employee within twelve (12) months prior to the date on which he or she ceased to be a Town of Fox Lake officer or Town of Fox Lake employee. In addition, the persons noted above shall not make any formal or informal appearance before, or negotiate with any officer or employee of the Town of Fox Lake in connection with any judicial or quasi judicial proceeding, application, contract, claim or charge which might give rise to a judicial or quasi judicial proceeding which was under the above noted person's responsibility as a Town of Fox Lake officer or Town of Fox Lake employee within twelve (12) months prior to the date in which he or she ceased to be a Town of Fox Lake officer or Town of Fox Lake employee.

No persons who formerly held in the Town of Fox Lake the offices noted in subsection (a) nor any persons who formerly held public positions in the Town of Fox Lake as noted in subsection (a) may, for compensation, act on behalf of any party other than the Town of Fox Lake, the Town Board of the Town of Fox Lake, its committees, commissions, board or any other special government unit of the Town of Fox Lake, in connection with any judicial or quasi judicial proceeding, application, contract, claim or charge which might give rise to a judicial or quasi judicial proceeding in which the above noted persons participated personally and substantially as a Town of Fox Lake officer or Town of Fox Lake employee.

c. Restraints on Other Public Positions or Employment in the Town

The below noted Town of Fox Lake offices and public positions in the Town of Fox Lake are full-time offices and public employment positions in the Town of Fox Lake. No persons holding anyone of these offices or positions in the Town of Fox Lake in any calendar year may receive more than twelve hundred dollars (\$1,200.00) in any one calendar year from any other part-time office or part-time position in the Town of Fox Lake. The Town Board of the Town of Fox Lake shall annually check to assure that no official or employee of the Town of Fox Lake violates this section. Any officer or employee of the Town of Fox Lake shall be required to accept a termination or reduction in salary or wages sufficient to bring the officer or employee into compliance. This provision does not apply to those Town of Fox Lake officers or persons holding public positions in the Town of Fox Lake not listed below who may accept other Town of Fox Lake employment and payment during a period when they are not receiving a full-time salary or wage from the Town of Fox Lake.

(none at present)

d. Conflict of Interest Actions

A Town of Fox Lake official or Town of Fox Lake employee is deemed to have a material conflict of interest in regards to a matter in which he or she is involved or is about to be involved in the discharge of his or her official duties for the Town of Fox Lake whenever:

- 1) The action or failure to act by the Town of Fox Lake official or Town of Fox Lake employee could be reasonably expected to produce a substantial benefit, directly or indirectly, for such Town of Fox Lake official or Town of Fox Lake employee or his or her immediate family or an organization with which he or she is associated with; or
- 2) The matter in question is one in which the Town of Fox Lake official or Town of Fox Lake employee in his or her capacity or a member of his or her immediate family or an organization with which he or she is associated with has a substantial interest.

e. Honorarium, Fees and Expenses

No persons in a Town of Fox Lake offices noted in subsection (a) nor any persons holding a public position in the Town of Fox Lake noted in subsection (a) shall fail to report to the Town Clerk/Treasurer of the Town of Fox Lake on his or her statement of economic interest any amount that he or she receives for any published work or for the presentation of a talk or for participation in a meeting, for any lodging, transportation money or for anything of value provided that the amount exceeds fifty dollars (\$50.00) in value excluding the value of food or beverage offered with any talk or meeting. The above noted persons shall include in their statement of economic interest the identities of the person or persons that provided the amount exceeding fifty dollars (\$50.00) for the work, for the meeting, for the lodging, for the transportation and for anything of value along with the circumstances under which the amount was received and the appropriate amount received.

f. Term of Statement of Economic Interest and Compliance Date

The Town Clerk/Treasurer of the Town of Fox Lake shall prepare the form of the statement of economic interest. The form, prior to distribution, shall be approved by the Town Board of the Town of Fox Lake. The form shall be in compliance with Sec. 19.44 Wis. Stats., and shall contain the information required in Sec. 19.44 Wis. Stats. Every Town of Fox Lake official noted in subsection (a) and every Town of Fox Lake employee noted in subsection (a) who in January of every year was an official or employee of the Town of Fox Lake shall file with the Town of Fox Lake Town Board the statement of economic interest by April 30 of that year. The

information contained in such statement shall be current as of December 31 of the preceding year.

The Town of Fox Lake officials noted in subsection (a) or the Town of Fox Lake employee noted in subsection (a) required to file the statement of economic interest shall file with the Town of Fox Lake Town Board as per the date he or she assumes office not later than twenty-one (21) days following that date if the Town of Fox Lake official or Town of Fox Lake employee has not previously filed a statement of economic interest with the Town of Fox Lake Town Board during that year.

## Section 12: Records/Testing/Privacy

### a. General Authority

The Town Board of the Town of Fox Lake shall develop and maintain an employee record/employee testing and employee privacy policy and plan that is consistent with and in compliance with federal and state law and federal and state regulations and any Town of Fox Lake ordinances. Moreover, the Town Board of the Town of Fox Lake shall attempt to develop and maintain a general personnel policy and program that fairly balances the private privacy interests of the Town of Fox Lake employees and Town of Fox Lake officers with the public interest of the residents of the Town of Fox Lake to be informed and made aware of public business and public events in the Town of Fox Lake.

### b. Personnel Records

The Town of Fox Lake employee or Town of Fox Lake officer has the responsibility to keep updated his or her personnel file. Any changes related to the following shall be submitted to the Town Clerk/Treasurer of the Town of Fox Lake.

- 1) Name
- 2) Address
- 3) Residence telephone number
- 4) Marital status
- 5) Emergency contact
- 6) Beneficiary
- 7) Name, address and telephone number of dependents

### c. Testing

The Town of Fox Lake will comply fully with Sec.111.37, Wis. Stats., relating to the use by the Town of Fox Lake, its officers, its employees or its agents of honesty testing devices in matters related to prospective Town of Fox Lake employees or prospective Town of Fox Lake officers or to any current Town of Fox Lake employee or Town of Fox Lake officers.

### d. Privacy

#### 1) Illegal Drugs/Alcohol Abuse

The Town of Fox Lake shall comply fully with federal and state laws relating to employee privacy and any testing of Town of Fox Lake employees and Town of Fox Lake officers for illegal drugs or alcohol abuse.

#### 2) Voting

No Town of Fox Lake employee nor Town of Fox Lake official shall, pursuant to Sec. 103.08 Wis. Stats., threaten to discharge another Town of Fox Lake employee or Town of Fox



Lake officer, threaten to reduce the wages of another Town of Fox Lake employee or Town of Fox Lake officer or promise to give employment at higher wages to another Town of Fox Lake employee or Town of Fox Lake officer or attempt to influence a qualified voter to give or withhold his or her vote at a election.

### **Section 13: Employee Residency**

The Town Board of the Town of Fox Lake has, by this ordinance, adopted a residency requirement for full-time and part-time elective officials of the Town of Fox Lake.

For all elective officials of the Town of Fox Lake noted below, the elective officials shall all have established residency within the Town of Fox Lake at the time of their holding an elective office in the Town of Fox Lake. Any person holding an elective office in the Town of Fox Lake, pursuant to Sec. 60.39 Wis. Stats., must be an elector of the Town of Fox Lake.

Failure to obtain residency in the Town of Fox Lake within the time noted above shall create a vacancy in this elective office. Failure at anytime of an elective official of the Town of Fox Lake to remain an inhabitant of the Town of Fox Lake shall also create a vacancy of the elective office.

This subsection, pursuant to Sec. 60.30 Wis. Stats., shall not apply if, due to incorporation or annexation, any elective officer of the Town of Fox Lake, except a Town board supervisor or a municipal judge, becomes a resident of a city or village, the elective officer of the Town of Fox Lake shall continue in the Town office and discharge the duties of the office until completion of the term for which elected.

The below noted are the elective officials of the Town of Fox Lake that are subject to this residency requirement:

Chairperson	Supervisors
Clerk/Treasurer	Municipal Judge

### **Section 14: Outside Employment**

The Town Board of the Town of Fox Lake may approve outside employment if it finds that the combined work load offers no conflict of interest, the combined work load will not impair the efficiency for work for the Town of Fox Lake by the Town of Fox Lake employee or Town of Fox Lake officer and the combined work load will not likely damage or impair the health of the Town of Fox Lake employee or Town of Fox Lake officer.

### **Section 15: Political Activity Policy/Solicitation Policy**

#### **a. Political Activity**

##### **1) General Political Activity**

No non-elected Town of Fox Lake officer or Town of Fox Lake employee shall engage in political activities for any federal, state or local office, election or referendum in the hours while they are on duty for the Town of Fox Lake. No non-elected Town of Fox Lake officer or Town of Fox Lake employee shall engage in political activities during work hours that would lead any reasonable person to believe that the Town of Fox Lake was taking a position in an election for federal, state or local office, nor shall these Town of Fox Lake employees or non-elected Town of Fox Lake officers engage in political activities during work hours that would lead any reasonable person to believe that the Town of Fox Lake employee or non-elected Town of Fox Lake officer in his or her official capacity was taking a position in

a federal, state or local election.

Elected full-time Town of Fox Lake officials shall not engage in political activities to such an extent that their participation in political activities distracts them from their official duties as an elected official of the Town of Fox Lake, or limits their performance as an elected official for the Town of Fox Lake.

## 2) Campaign Services/Specific Campaign Prohibitions

Any elected or non-elected Town of Fox Lake official and any Town of Fox Lake employee may at anytime when he or she is not on duty or working for the Town of Fox Lake perform campaign services beyond the Town of Fox Lake Town Hall and other facilities owned or leased by the Town of Fox Lake, including but not limited to:

- a) Circulate petitions
- b) Circulate nomination and recall papers
- c) Distribute campaign buttons, literature, posters and other campaign materials.
- d) Perform clerical campaign duties
- e) Speak for candidates at forums and events
- f) Initiate telephone campaign calls
- g) Provide personal (not official) endorsements
- h) Organize and participate in rallies, demonstrations and parades
- i) Transport electors to the polls
- j) Participate in political conventions and meetings
- k) Organize and participate in media events

The above noted activities are strictly prohibited during the hours when the elected or non-elected Town of Fox Lake official and Town of Fox Lake employee is on duty or working for the Town of Fox Lake.

No elected or non-elected Town of Fox Lake official nor Town of Fox Lake employee, at anytime, shall participate in any political activity when he or she is wearing an official uniform, official emblem or official badge of the Town of Fox Lake.

No elected or non-elected Town of Fox Lake official nor Town of Fox Lake employee shall use any real or personal property of the Town of Fox Lake for any political activity, including the Town Hall and the Town of Fox Lake vehicles except with written approval of the Town Board of the Town of Fox Lake.

The Town of Fox Lake Town Hall and other Town facilities may be used for political meetings by any person, including Town of Fox Lake employees and Town of Fox Lake officers, in the evening hours (except during days of election) or on weekends with written approval of the Town Board of the Town of Fox Lake and upon the conditions established by the Town Board of the Town of Fox Lake.

### 3) Contributions

Any elected or non-elected Town of Fox Lake official or Town of Fox Lake employee may contribute or solicit money or services to or for any candidate, campaign, referendum, party or cause, subject to state and federal law, state and federal regulations or any Town of Fox Lake Ordinance. No person shall solicit any political contributions in money or service at the Town of Fox Lake Town Hall or at any other facility owned or leased by the Town of Fox Lake without written approval of the Town Board of the Town of Fox Lake. No person, including Town of Fox Lake employees and Town of Fox Lake officers, shall solicit any political contributions in money or service from any elected or non-elected Town of Fox Lake officer or Town of Fox Lake employee during the hours of duty or working hours for the Town of Fox Lake official or Town of Fox Lake employee.

### 4) Campaign Materials

Any elected or non-elected Town of Fox Lake official or Town of Fox Lake employee may at anytime possess, carry and demonstrate the following campaign materials:

- a) Campaign buttons or badges on his or her body
- b) Bumper stickers on private vehicles
- c) Posters, signs and car tops on private vehicles
- d) Posters and signs at private residence or at private business locations

No person, including elected and non-elected Town of Fox Lake officers and Town of Fox Lake employees shall attach campaign buttons, badges, stickers, posters and signs to any real or personal property owned or leased by the Town of Fox Lake, including Town of Fox Lake, vehicles, Town of Fox Lake uniforms, Town of Fox Lake insignia and the Town of Fox Lake Town Hall.

### 5) Membership in Political Parties

Any elective or non-elective Town of Fox Lake official or Town of Fox Lake employee may belong to any political party, political caucus, political action committee, political educational group or other political organization, may attend, outside working hours, political meetings or political functions and may serve as a delegate or officer of a political party, political action group, political caucus, political educational group or other political organization.

### 6) Appointment to Office

Any elective or non-elective Town of Fox Lake official or Town of Fox Lake employee may accept and participate in any non-elective political, non-profit and governmental boards, committees, commissions or agencies provided there is no conflict of interest with his or her duties as a Town of Fox Lake officer or Town of Fox Lake employee and provided the above noted participation does not distract in anyway from his or her duties as a Town of Fox Lake officer or Town of Fox Lake employee or in anyway limits his or her performance as a Town of Fox Lake officer or Town of Fox Lake employee.

## 7) Exceptions to the Above Noted

Those employees where salaries are partially funded by federal funds may be subject to certain political and campaign restrictions under the Federal "Hatch Act". In addition, state laws may limit certain Town of Fox Lake officials or Town of Fox Lake employees from participating in certain partisan political and lobbying activities. Questions and concerns from Town of Fox Lake officials, Town of Fox Lake employees and Town of Fox Lake residents related to future participation in a particular political or lobbying activity by a Town of Fox Lake officer or Town of Fox Lake employee shall be referred immediately to the Town Chair of the Town of Fox Lake for his or her response and action.

### b. Solicitation

No person may solicit money or services from any Town of Fox Lake officer or from any Town of Fox Lake employee when the officer or employee is on duty or working for the Town of Fox Lake.

## **Section 16: Insurance**

All insurance programs offered by the Town of Fox Lake shall be optional to the Town of Fox Lake employee or Town of Fox Lake official. The Town of Fox Lake will not pay any compensation to any Town of Fox Lake employee or Town of Fox Lake official in lieu of coverage under the insurance plan and program offered by the Town of Fox Lake. The Town of Fox Lake will, upon written acceptance of the policy and program by the Town of Fox Lake employee or Town of Fox Lake official, deduct and remove on a monthly basis from the employment compensation due the Town of Fox Lake employee or Town of Fox Lake official any amounts due the Town of Fox Lake as the employee/officer share of the insurance premium.

## **Section 17: Legal Protection**

The Town of Fox Lake, when any Town of Fox Lake employee or Town of Fox Lake officer was acting in his or her official capacity as an employee or officer of the Town of Fox Lake, shall provide the following items related to any legal matter brought against the Town of Fox Lake employee or Town of Fox Lake officer:

General Liability Insurance      Errors and Omissions Insurance

This provision shall specifically not apply to the following matters:

- a. Disciplinary matters involving the Town of Fox Lake employee or Town of Fox Lake official and the Town of Fox Lake.
- b. Legal claims brought by the Town of Fox Lake employee or Town of Fox Lake official against the Town of Fox Lake, its officers, its employees or its agents and where these officers, employees or agents were acting in their official capacity as officers, employees or agents of the Town of Fox Lake.
- c. Criminal or civil actions brought against the Town of Fox Lake employee or Town of Fox Lake officer by the federal, state, county or Town of Fox Lake for criminal or civil violation of federal laws, federal regulations, state laws, state regulations, county ordinances or Town ordinance, unless the Town Board of the Town of Fox Lake specifically approves the type and amount of reimbursement for legal costs, fines and fees prior to the conviction or settlement.

## **Section 18: Part-Time or Limited Term Employment**

The Town Board of the Town of Fox Lake shall develop and maintain a personnel policy and plan for part-time and limited term employees and part-time elected and non-elected officers. This policy shall be provided to all part-time and limited term employees and officers. The personnel policy, at minimum, shall address the following:

- a. Hire and probationary period
- b. Compensation
- c. Hours of work
- d. Reimbursement of expenses
- e. Discipline and misconduct

## **Section 19: Nepotism**

The Town Board of the Town of Fox Lake shall develop and maintain a policy and plan related to nepotism that is consistent with Sec. 111.322 and 111.345 Wis. Stats.

## **Section 20: Retirement**

The Town Board of the Town of Fox Lake shall have no compulsory time period for retirement from any position or office in the Town of Fox Lake, including protective service positions or protective service offices. No person, regardless of age, shall be terminated from employment in the Town of Fox Lake due to reaching a chronological age.

## **Section 21: Discipline/Grievances/Termination**

### **a. Discipline**

The Town Board of the Town of Fox Lake may terminate Town of Fox Lake employees and non-elected Town of Fox Lake officers, where no written contract, oral contract or statutory or regulation employment protection exists, for only just cause. The following types of disciplinary actions in any twelve (12) month period are cause for termination, namely:

Verbal Warning

Reprimand

Referral for further civil or criminal actions

### **b. Grievances**

The Town Board of the Town of Fox Lake shall develop and maintain a written employee grievance policy and plan related to any complaint or dissatisfaction by a Town of Fox Lake employee or non-elected Town of Fox Lake officer arising from any claimed or real violation of the Town of Fox Lake personnel management ordinances, any Town of Fox Lake employment policy and plan and any federal or state laws and federal and state regulations caused by any Town of Fox Lake employees or non-elected Town of Fox Lake officers.

The grievance policy and plan shall provide for a right of the Town of Fox Lake employee or non-elected Town of Fox Lake officer to appeal the grievance from the decision of the immediate supervisor to the Town Board of the Town of Fox Lake. Grievances by the Town of Fox Lake employee and non-elected Town of Fox Lake officer shall be only presented through the established lines of the Town of Fox Lake authority. The grievance decisions shall be placed in the personnel file of the grieving Town of Fox Lake employee or non-elected Town of Fox Lake officer.

c. Termination

The Town Board of the Town of Fox Lake shall be the responsible body for the Town of Fox Lake to actually and formally involuntarily terminate and discharge any Town of Fox Lake employee or any non-elected Town of Fox Lake officer, unless for a particular department, special office, agency, commission, board, committee, office or other special government unit of the Town of Fox Lake, the Town Board of the Town of Fox Lake has specifically designated a person to be charged with the power and duty to involuntarily terminate and discharge any particular Town of Fox Lake employees or non-elected Town of Fox Lake officers.

**Section 22: “Whistle Blowing”**

Items of disclosed information subject to protection for retaliation under the Town of Fox Lake “Whistle Blower” policy are:

- a. A violation of federal or state law or federal or state regulation or a violation of any Town of Fox Lake ordinance
- b. Mismanagement or absence of authority in the Town of Fox Lake government
- c. Substantial waste of Town of Fox Lake funds
- d. Danger to the public health and safety of persons in the Town of Fox Lake.

**Section 23: Civil Service**

The Town Board of any Town over five thousand (5,000) in population may establish a civil service system. Any person who has been employed more than five (5) years prior to the establishment of the civil service system is eligible to appointment without examination.

The Town Board of the Town of Fox Lake, however, does not establish a civil service system.

## CHAPTER 6 RISK MANAGEMENT

### **A. GENERAL RISK MANAGEMENT ORDINANCE**

#### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake General Risk Management Ordinance”. The purpose of this ordinance is to define those policies, procedures and practices which will limit risk exposures for the Town of Fox Lake, its officers, its employees, its agents and any other purposes.

#### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the authority, pursuant to Sec. 60.10, 60.20, 60.22 and 60.23 Wis. Stats., to manage and prevent legal, fiscal and physical risk exposures for the Town of Fox Lake, its officers, its employees, its agents and any other persons.

#### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, agreed to develop and maintain certain policies and plans with the intent to manage and, hopefully, reduce and negate certain legal, fiscal and physical risk exposures to the Town of Fox Lake, its officers, its employees, its agents and to any other persons.

#### **Section 4: Risk Management Policy and Plan**

The Town Board of the Town of Fox Lake shall develop and maintain a risk management policy and plan to manage reduce and, hopefully negate certain legal, fiscal and physical risk exposure to the Town of Fox Lake, its officers, its employees, its agents and any other persons.

The Town Board of the Town of Fox Lake shall conduct on an annual basis an evaluation and review of the current sureties, guarantees, insurance, bonds and funds held or purchased by or for the Town of Fox Lake to insure proper legal and fiscal risk coverage and proper legal and fiscal indemnification, including insurance and bonds, for the Town of Fox Lake, its officers, its employees and its agents against any claims, demands of payment, received or incurred costs or judgments by the above noted.

The Town Board of the Town of Fox Lake shall develop or attempt to develop for risk management purposes on an annual basis a written review for comparison of the legal and fiscal risk exposures for the Town of Fox Lake, its officers, its employees, its agents and any other persons in the Town of Fox Lake to the surety, guarantee, insurance, bonds, funds and indemnification provisions held by or purchased by the Town of Fox Lake to address and meet these legal and fiscal exposures.

The Town Board of the Town of Fox Lake shall make a good faith effort, within the financial ability of the Town of Fox Lake, to purchase and maintain proper legal and fiscal coverage and proper legal and fiscal indemnification, including insurance and bonds, to meet the general legal and fiscal exposures of the Town of Fox Lake, its officers, its employees and its agents. In addition, where proper legal and fiscal financial coverage and proper legal and fiscal indemnification, including insurance and bonds, can not be provided or purchased, the Town Board of the Town of Fox Lake shall make good faith efforts to further reduce, by proper risk management, the legal, fiscal and physical risk exposures to the Town of Fox Lake, its officers, its employees, its agents or to any other person. In addition, the Town Board of the Town of Fox Lake shall budget and shall allocate proper funds to financially address for the future any projected or potential legal and fiscal exposures.

## **Section 5: Specific Risk Management Guidelines/Rules**

The below noted are specific areas of legal, fiscal and physical risk exposures for the Town of Fox Lake, its officers, its employees, its agents or for any other persons that the Town Board of the Town of Fox Lake believes can be managed, controlled, reduced or, hopefully, negated by a proper Town of Fox Lake risk management policy and plan. The Town Board of the Town of Fox Lake believes a successful risk management policy and plan for the Town of Fox Lake to reduce the below noted risk exposures is dependent totally on a full understanding and full compliance with the guidelines and rules developed by the Town of Fox Lake for its officers, its employees, its agents and any other appropriate persons of the Town of Fox Lake. To this end, the Town Board of the Town of Fox Lake has established the following areas of legal, fiscal and physical risk exposures for the Town of Fox Lake, its officers, its employees, its agents and any other persons and will develop, maintain and enforce the following guidelines and rules to reduce and hopefully negate these risk exposures.

### **a. Vehicle Risk Management Guidelines/Rules**

The Town Board of the Town of Fox Lake shall develop, maintain and enforce guidelines and rules for management, maintenance, repair, operations and control of vehicles owned or leased by the Town of Fox Lake.

### **b. Road and Bridge Risk Management Guidelines/Rules**

The Town Board of the Town of Fox Lake shall develop, maintain and enforce guidelines and rules for the management, maintenance, repair, reconstruction, resurfacing and control of Town of Fox Lake roads and Town of Fox Lake bridges. These guidelines and rules shall include, but are not limited to, the following:

- 1) Establish and maintain a schedule on an annual basis for proper inspection and inventory of any defects of Town roads and Town bridges in the Town of Fox Lake.
- 2) Establish and maintain a schedule on an annual basis for proper inspection and replacement of all road signs in the Town of Fox Lake.
- 3) Establish and maintain permanent and seasonal weight limits on certain Town roads and Town bridges in the Town of Fox Lake.
- 4) Establish and maintain a permit system for the Town of Fox Lake to permit over weight vehicles limited access to certain Town roads and Town bridges.
- 5) Establish and maintain a snow plowing and emergency condition schedule and procedure for Town roads in the Town of Fox Lake, including guidelines for closing Town roads and rerouting traffic.
- 6) Establish and maintain a brush and litter removal schedule on an annual basis for Town roads in the Town of Fox Lake.
- 7) Establish and maintain a work schedule for Town road supervisors and employees, including sufficient rest and sleep periods during emergency conditions.
- 8) Establish and maintain a proper employee protection and injury prevention program for Town road and Town bridge maintenance in the Town of Fox Lake.
- 9) Purchase quality materials for Town road and Town bridge construction in the Town of Fox Lake.
- 10) Retain qualified contractors and employees for Town road and Town bridge construction, repair and maintenance in the Town of Fox Lake.
- 11) Establish and maintain a proper warning light and emergency sign maintenance program for Town road and Town bridge maintenance in the Town of Fox Lake.
- 12) Establish and maintain proper relationships with the State of Wisconsin Department of Transportation and the County of Dodge.



13) Comply with state laws and regulations related to roads and bridges.

c. Dam Risk Management Guidelines/Rules

The Town Board of the Town of Fox Lake shall develop, maintain and enforce guidelines and rules for the management, maintenance, repair, reconstruction, operations and control of dams in the Town of Fox Lake. These guidelines and rules shall include, but are not limited to, the following:

- 1) Establish and request continuance of the State of Wisconsin Department of Natural Resource inspections of the dam(s) in the Town of Fox Lake.
- 2) Comply with the proper written recommendation of the State of Wisconsin Department of Natural Resources regarding management, maintenance, repair, reconstruction and control of the dam(s) in the Town of Fox Lake.
- 3) Establish and maintain warning lights and signs, as needed, near the dam(s) in the Town of Fox Lake, including signs in the water for approaching boats.
- 4) Establish and maintain adequate security for the dam(s) in the Town of Fox Lake, including fences to limit access to the dam(s).
- 5) Establish and maintain an adequate erosion control on the banks near the dam(s) in the Town of Fox Lake.
- 6) Establish and maintain a proper inspection schedule and inventory defects by Town of Fox Lake employees and agents of the structural membrane of the dam(s) in the Town of Fox Lake.

d. Construction Projects Guidelines/Rules

The Town Board of the Town of Fox Lake shall develop, maintain and enforce guidelines and rules to manage, construct, repair, maintain, operate, control and reconstruct Town projects in the Town of Fox Lake. These guidelines and rules shall include, but are not limited to, the following:

- 1) Carefully evaluate and reference all contractors and subcontractors prior to acceptance of their products or services for the Town of Fox Lake, including their legal and fiscal integrity.
- 2) Establish and maintain proper lights, signs, barricades, fencing and gates near and around any construction project in for the Town of Fox Lake.
- 3) Draft and review all legal contracts carefully.
- 4) Establish contractual requirements that require certificate of insurance and/or complete legal and fiscal indemnification by contractors and subcontractors for the Town of Fox Lake.
- 5) Establish and maintain night-time warning and night-time supervision responsibility for construction projects for the Town of Fox Lake.
- 6) Carefully evaluate fire and other hazard potentials at the Town project.
- 7) Evaluate the physical integrity of the structures.

e. Pollution Control Guidelines/Rules

The Town Board of the Town of Fox Lake shall develop, maintain and enforce guidelines and rules for the management, prevention and removal of toxic, hazardous and polluted materials in the Town of Fox Lake. These guidelines and rules shall include, but are not limited to, the following:

- 1) Establish and maintain proper zoning ordinances and other land use ordinances in the Town of Fox Lake to prevent or reduce future land use conflicts in the Town of Fox Lake.
- 2) Establish and maintain inventories and tank integrity tests of public and private underground storage tanks, septic tanks, holding tanks, wells, cisterns, coves and other underground structures in the Town of Fox Lake.
- 3) Establish and maintain history of any disposal discharge and spilling of toxic and hazardous materials or pollution materials on public and private lands in the Town of Fox Lake.
- 4) Establish and maintain proper storage facilities for potentially toxic or hazardous waste or products owned by the Town of Fox Lake, including, but not limited to, salt, gasoline and other petroleum products and pesticides.
- 5) Establish, maintain and enforce Town of Fox Lake Ordinances related to regulating or negating air pollution, water pollution and soil pollution in the Town of Fox Lake.
- 6) Monitor public and private facilities in the Town of Fox Lake that contain large amounts of toxic or hazardous wastes or materials, including PCB's and asbestos.
- 7) Establish and maintain procedures to monitor the Town of Fox Lake waste disposal facility.
- 8) Establish and maintain procedures for the collection and transportation of solid or hazardous waste in the Town of Fox Lake.
- 9) Establish and maintain procedures for monitoring the Town of Fox Lake or any other sewer system in or near the Town of Fox Lake.
- 10) Establish and maintain procedures for proper use of pesticides, herbicides and hazardous or toxic materials by the Town of Fox Lake.
- 11) Establish and maintain manifests for the collection and transportation of solid or hazardous waste from the Town of Fox Lake to disposal facilities, storage facilities or treatment facilities.
- 12) Form cooperative agreements with other municipalities to reduce or negate environmental pollution in or near the Town of Fox Lake.
- 13) Inspect public buildings and facilities for hazardous waste and materials, including PCB's and asbestos.

f. Law Enforcement Guidelines/Rules

The Town Board of the Town of Fox Lake shall develop maintain and enforce guidelines and rules to manage law enforcement in the Town of Fox Lake. These guidelines and rules shall include, but are not limited to, the following:

- 1) Establish and maintain proper procedures to insure law enforcement officers of the Town of Fox Lake have proper and current training in law enforcement, including firearm training.
- 2) Establish and maintain a formalized job description for law enforcement officers of the Town of Fox Lake, including specific duties and specific responsibilities for law enforcement in the Town of Fox Lake.
- 3) Establish and maintain weapon control and maintenance procedures for law enforcement officers of the Town of Fox Lake.
- 4) Establish and maintain formal written procedures for persons to contact law enforcement officers of the Town of Fox Lake.

- 5) Establish and maintain formal written complaint procedures for persons to contact the Town Board of the Town of Fox Lake related to law enforcement and public safety in the Town of Fox Lake.
- 6) Establish and maintain vehicle operation procedures for law enforcement officers of the Town of Fox Lake.

g. Professional Liability Guidelines/Rules

The Town Board of the Town of Fox Lake shall develop, maintain and enforce guidelines and rules to manage, prevent, control, reduce and negate civil liability or criminal liability for Town of Fox Lake employees and elected and non-elected Town of Fox Lake officers. These guidelines and rules shall include, but are not limited to, the following:

- 1) Establish and maintain specific job descriptions guidelines to be applicable for Town of Fox Lake employees and non-elected Town of Fox Lake officers and to control or manage their actions.
- 2) Establish and maintain personnel guidelines to be applicable for Town of Fox Lake employees and Town of Fox Lake officers and to control or manage their actions.
- 3) Establish and maintain hiring, promotion, demotion and termination guidelines to be applicable for Town of Fox Lake employees and non-elected Town of Fox Lake officers and to control or manage their actions.
- 4) Establish and maintain guidelines for specific actions and conduct that should and should not be considered within the “scope of duty” of Town of Fox Lake employees and Town of Fox Lake officers.
- 5) Establish and maintain guidelines related to specific conduct and actions that could likely lead to civil actions or criminal actions against the Town of Fox Lake, its employees, its officers and its agents.
- 6) Establish and maintain guidelines related to any additional insurance or bond coverage and legal and fiscal indemnification that might be advisable to obtain or purchase by or for the officers of the Town of Fox Lake, including errors and omission insurance coverage.

h. Property Damage/Property Loss Guidelines/Rules

The Town Board of the Town of Fox Lake shall develop, maintain and enforce guidelines and rules to manage, reduce, control and negate property damage or property loss to the property owned or leased by the Town of Fox Lake. These guidelines and rules shall include, but are not limited to, the following:

- 1) Establish and maintain guidelines related to fire and other hazards inspection of property owned or leased by the Town of Fox Lake.
- 2) Establish and maintain guidelines related to fire and other hazards prevention and control on property owned or leased by the Town of Fox Lake.
- 3) Establish and maintain guidelines related to the conducting of appraisals and to the conducting of property inventories on a regular basis for property owned or leased by the Town of Fox Lake.
- 4) Establish and maintain guidelines for preventive maintenance and repair of items owned or leased by the Town of Fox Lake likely to cause fire or other hazards.
- 5) Establish and maintain guidelines for supervision and surveillance of vacant buildings and vacant lands owned or leased by the Town of Fox Lake.

- 6) Establish and maintain guidelines for physical and personal security for property owned or leased by the Town of Fox Lake, including security evaluations or high value items, lighting procedures for buildings and locking procedures for buildings.
- 7) Establish and maintain guidelines for creating and completing a security audit with each audit initiated on time intervals of two (2) years.
- 8) Establish and maintain guidelines for creating and completing a fiscal audit of the finances and property of the Town of Fox Lake with each audit to be initiated on a time interval of one (1) year.
- 9) Establish and maintain guidelines for the control and safety of valuable documents of the Town of Fox Lake, including the establishment of a secondary record storage facility.

i. General Liability Guidelines/Rules

The Town Board of the Town of Fox Lake shall develop, maintain and enforce guidelines and rules to manage, reduce, control, prevent and negate personal injuries and potential civil liability for the Town of Fox Lake. These guidelines and rules shall include, but are not limited to:

- 1) Establish, maintain and enforce the guidelines and rules related to vehicle risk management.
- 2) Establish, maintain and enforce the guidelines and rules related to physical inspection of Town of Fox Lake buildings and facilities, including specific inspection for:
  - a) Conditions of pollution, including asbestos, toxic waste and hazardous waste.
  - b) Conditions of physical obsolescence of buildings or structures owned or leased by the Town of Fox Lake.
  - c) Conditions of physical defects in building or structures materials owned or leased by the Town of Fox Lake.
  - d) Conditions of hazardous waste storage in building or structures owned or leased by the Town of Fox Lake.
  - e) Conditions of underground storage tanks owned or leased by the Town of Fox Lake.
  - f) Conditions of solid waste and hazardous waste disposal facilities owned, leased or operated by the Town of Fox Lake or where the Town of Fox Lake and its residents may have disposed.
  - g) Conditions of combustible storage in buildings or structures owned or leased by the Town of Fox Lake.
  - h) Conditions of physical access to buildings or structures owned or leased by the Town of Fox Lake.
  - i) Conditions of public water supply for the Town of Fox Lake and for the buildings or structures owned or leased by the Town of Fox Lake.
  - j) Conditions of public sewer system for Town of Fox Lake and for the buildings or structures owned or leased by the Town of Fox Lake.
  - k) Conditions of roads, bridges, dams, culverts, ponds, pits, lagoons or other physical structures owned by the Town of Fox Lake.
- 3) Establish, maintain and enforce guidelines and rules to manage and prevent specific criminal or civil actions related to specifically:
  - a) Workers compensation
  - b) Age discrimination
  - c) Alien status discrimination
  - d) Handicap discrimination

- e) Sex discrimination (including sexual orientation)
- f) Fighting and physical abuse
- g) Marital status
- h) Pregnancy
- i) Sexual harassment
- j) Union membership and affiliation
- k) Employee retaliation
- l) Law enforcement arrests
- m) Alcoholism related or other drug addiction discrimination
- n) Automobile and vehicle usage
- o) Termination and retirement
- p) Comparable worth wage discrimination
- q) Consulting and service agreements
- r) Employment agreements
- s) Wrongful discharge
- t) "Scope of duty" actions
- u) Slander/defamation/invasion of privacy
- v) Race discrimination
- w) Religious discrimination
- x) Theft
- y) Military active service/National Guard/military reserve service
- z) Supplies, equipment and material contracts

#### **Section 6: Risk Management/Safety Committee**

The Town Board of the Town of Fox Lake may establish and appoint a Town of Fox Lake Risk Management/Safety Committee. This Town of Fox Lake Risk Management/Safety Committee shall prepare, update and submit to the Town Board of the Town of Fox Lake, for approval, the risk management policy and plan for the Town of Fox Lake. The Committee shall also submit to the Town Board of the Town of Fox Lake, when approved, any risk or safety concerns of the Committee related to the Town of Fox Lake, its officers, its employees, its agents and the residents of the Town of Fox Lake. The Committee shall investigate, at the request of the Town Chair of the Town of Fox Lake, any claims, injuries or damages related to the Town of Fox Lake, its officers, its employees and its agents and to submit any appropriate reports to the Town Board of the Town of Fox Lake.

## **B. EMERGENCY GOVERNMENT/EMERGENCY PLANNING/COMMUNITY RIGHT TO KNOW ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Emergency Government/Emergency Planning/Community Right to Know Ordinance”. The purpose of this ordinance is to define those policies, procedures and practices which may be utilized in case of emergencies in the Town of Fox Lake.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the statutory authority, powers and duties, pursuant to Sec. 60.22, 60.24, 60.47, 166.03(4), 166.03(5), 166.03(6), 116.03(7), 166.03(9), 166.03(10), 166.03(11), 166.06(1), 166.06(2), 166.07, 166.08(5), 166.08(6), 166.20(5) and 166.20(6) Wis. Stats., to manage and direct certain affairs of the Town of Fox Lake related to emergencies in the Town of Fox Lake.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance and/or by adoption of village powers, pursuant to Sec. 60.22 Wis. Stats., confirmed the above noted statutory authority, powers and duties pursuant to Chapter 60 and 166 Wis. Stats., and has established, pursuant to these chapters and this ordinance, the power and duties of the Town of Fox Lake, its officers, its employees and its agents.

### **Section 4: Powers of Town Chair in Emergency**

The Town Chair of the Town of Fox Lake has, pursuant to Sec. 60.24 Wis. Stats., the power to act on behalf of the Town Board of the Town of Fox Lake to obtain necessary assistance, if available, in case of emergency, except as provided in Chapter 166 Wis. Stats.

### **Section 5: Waiver of Bid or Lowest Bidder Requirement in Emergency**

The Town Board of the Town of Fox Lake may not be required to bid or required to be available to lowest bidder, pursuant to Sec. 60.47 Wis. Stats., public contracts, if the public contracts for the repair and construction of public facilities, when damage or threatened damage to the facility, creates an emergency, as declared by resolution of the Town Board of the Town of Fox Lake, that endangers the public health or welfare of the Town of Fox Lake. This exception no longer applies when the Town Board of the Town of Fox Lake declares that the emergency no longer exists.

### **Section 6: Powers of Town Board in Emergency/Emergency Officer**

The Town Board of the Town of Fox Lake shall develop and maintain, pursuant to Sec. 166.03(4) Wis. Stats., a policy and plan for emergency government consistent with the State of Wisconsin plan for emergency government. The Town Board of the Town of Fox Lake may appoint a head of emergency government service. His or her title shall be “Town of Fox Lake Emergency Government Officer. The Town Board of the Town of Fox Lake may appropriate funds and levy taxes for this purpose.

## **Section 7: Temporary Emergency Locations**

The Town of Fox Lake, pursuant to Sec. 166.06 Wis. Stats., whenever it cannot, during a state of emergency, conduct the affairs of the Town of Fox Lake at a regular location, the Town Board of the Town of Fox Lake at any other place on the call of the Town Chair or his or her successor and the Town Board of the Town of Fox Lake shall proceed to establish and designate, by ordinance, resolution or otherwise, alternative sites where all or part of the public business of the Town of Fox Lake may be transacted and conducted during the emergency.

## **Section 8: Succession**

The Town Board of the Town of Fox Lake shall, pursuant to Sec. 166.07, Wis. Stats., develop and maintain a Town succession ordinance to provide for continuity of government in the event of and throughout the duration of a state of emergency resulting from enemy action.

The Town Board of the Town of Fox Lake does, by this ordinance, establish the line of succession for Town officers. This ordinance shall only be effective upon and as a result of enemy action that effectively kills or seriously harms the Town of Fox Lake officers to the extent that all or part of the Town of Fox Lake officials cannot mentally or physically serve in office.

The original succession shall be as follows:

- Chairperson
- Supervisor 1
- Supervisor 2
- Supervisor 3
- Supervisor 4

If all of the above noted existing Town of Fox Lake officers have been killed or seriously harmed where they cannot mentally or physically serve in office, then the following will be the second succession:

- Town Clerk/Treasurer
- Town Municipal Judge

The successor will have the emergency powers of the previous Town of Fox Lake official and any additional powers and duties provided by Sec. 166.07 and 166.08 Wis. Stats., and as provided by formal declarations of the state government.

## **Section 9: Hazardous Substance Information/Emergency Planning/Community Right to Know**

### **a. Coordination with Local Emergency Committee**

The Town Board of the Town of Fox Lake shall consult and coordinate with the local emergency planning committee, operated by and established pursuant to Sec. 166.20 Wis. Stats., as to the execution of the local emergency committee duties under Sec. 166.20 Wis. Stats.

### **b. Reporting**

The Town of Fox Lake shall, by the Town Board of the Town of Fox Lake, file all appropriate state and federal Community Right to Know Forms required to comply with Sec. 166.20 Wis. Stats., and the federal laws.

### **c. Fees**

The Town of Fox Lake shall, by the Town Clerk/Treasurer of the Town of Fox Lake, pay all appropriate filing fees required by the state and federal Community Right to Know laws.

d. Review

The Town Board of the Town of Fox Lake shall review all hazardous substance reports filed with the local emergency government committee concerning residents of the Town of Fox Lake. The Town of Fox Lake shall, by the Town Board of the Town of Fox Lake, work with the county emergency coordinator to develop, maintain and implement a local response plan. This plan, to the extent possible, should be in coordination with the Town of Fox Lake emergency government plan.

e. Report Releases

The Town Board shall report all known releases of hazardous substances, toxic chemical and hazard chemicals in the Town of Fox Lake in excess of threshold quantities as defined by Sec. 166.20 Wis. Stats., to the state emergency response commission and the local emergency planning committee established by the County of Dodge.

f. Lawsuit

The Town of Fox Lake may commence litigation under Chapter 160 Wis. Stats., for the failure of persons to comply with the provisions of Sec. 166.20(9)(2) Wis. Stats., relating to notification requirements.



CHAPTER 7  
HOUSING AND ECONOMIC DEVELOPMENT

**A. TOWN HOUSING DEVELOPMENT ORDINANCE**

**Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Town Housing Development Ordinance”. The purpose of this ordinance is to establish general provisions and policies related to housing in the Town of Fox Lake.

**Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to Sec. 60.23(1), 61.73, 66.30, 66.39(6), 66.40, 66.425 and 66.432 Wis. Stats., to establish and enforce a “Fair Housing Ordinance” for the Town of Fox Lake, to cooperate with the county, cities, villages and other Towns in housing development and, by adoption of village powers, to establish a Town of Fox Lake Housing Authority.

**Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in Chapter 60, 61 and 66 Wis. Stats., and this ordinance, has established, by the above noted chapters and this ordinance, a “Fair Housing” ordinance for the Town of Fox Lake and has authorized the Town Board of the Town of Fox Lake to cooperate with the county, cities, villages and other Towns in housing development.

**Section 4: Discriminatory Housing Practice**

The following practices shall be considered discrimination in housing practices in the Town of Fox Lake:

- a. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, handicap, religion, sexual preference, national origin, sex or marital status of a person maintaining a household, lawful source of income, age or ancestry.
- b. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provisions of services or facilities in connection therewith because of race, color, handicap, religion, sexual preference, national origin, sex or marital status of a person maintaining a household, lawful source of income, age or ancestry.
- c. To make, print, publish or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, handicap, religion, sexual preference, national origin, sex or marital status of a person maintaining a household, lawful source of income, age or ancestry, or an intention to make such preference, limitation or discrimination.
- d. To represent to any person because of race, color, handicap, religion, sexual preference, national origin, sex or marital status of a person maintaining a household, lawful source of income, age or ancestry that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.
- e. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, handicap, religion sexual preference, national origin, sex or marital status of a person maintaining a household, lawful source of income, age or ancestry.

f. For any bank, savings and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him or her in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, handicap, religion, sexual preference, national origin, sex or marital status of a person maintaining a household, lawful source of income, age or ancestry of such person, or of any person associated with him or her in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the dwelling or dwellings in relation to which such loan or other financial assistance is given, or 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 because of race, color, handicap, religion, sexual preference, national origin, sex or marital status of the person maintaining the household, lawful source of income, age or ancestry. Provided, however, that nothing contained in this section shall impair the scope of the effectiveness of the exception contained in Section (5) of this ordinance.

g. To deny any person access to or membership or participation in any multiple-listing service, real estate broker's organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against him or her in the terms or conditions of such access, membership or participation on account of race, color, handicap, religion, sexual preference, national origin, sex or marital status of the person maintaining the household, lawful source of income, age or ancestry.

h. By refusing to renew a lease without cause resulting in the eviction of a tenant from rental housing or engaging in the harassing of a tenant.

## **Section 5: Exceptions**

Nothing in this ordinance shall:

- a. Prohibit discrimination on the basis of age in relation to housing in the Town of Fox Lake designed to meet the needs of elderly individuals.
- b. Prohibit from exacting different or more stringent terms or conditions for financing housing in the Town of Fox Lake based upon the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.
- c. Prohibit the development of housing designed specifically for a person with a handicap and discrimination on the bases of handicap in relation to such housing.

## **Section 6: Fair and Open Housing**

- a. The Town of Fox Lake hereby adopts, by reference, Sec. 101.22 (The State Equal Housing Law) Wis. Stats., and all subsequent amendments thereto.
- b. The Town of Fox Lake officers and Town of Fox Lake employees shall assist in the orderly prevention and removal of all discrimination in housing within the Town of Fox Lake corporate limits by implementing the authority and enforcement procedures set forth in Sec. 101.22 Wis. Stats.

c. The Town of Fox Lake shall, maintain forms for complaints that are filed under Sec. 101.22 Wis. Stats., and shall assist any person, alleging a violation thereof in the Town of Fox Lake, to file a complaint there under with the Wisconsin Department of Workforce Development for enforcement under Sec. 101.22 Wis. Stats.

### **Section 7: Equal Opportunities**

The Town Board of the Town of Fox Lake shall have the power and duty to study the existence, character, cause and extent of the denial of equal opportunities because of race, color, handicap, religion, sexual preference, national origin, sex or marital status of the person maintaining the household, lawful source of income, age or ancestry in the Town of Fox Lake. It may disseminate information and attempt by means of discussion and other means to educate the people of the Town of Fox Lake to a greater understanding, appreciation and practice of human rights, to the extent that the Town of Fox Lake will be a better place to live. It shall receive complaints alleging violation of this ordinance arising from bona fide transactions and attempt to eliminate or remedy any violation by means of conciliation, persuasion, education or any other means. In those cases where the Town Board obtains compliance with this ordinance or the Town Board finds that the complaint is without foundation, no public disclosure shall be made of the person or persons named in the complaint.

### **Section 8: Enforcement**

Whenever the Town Board of the Town of Fox Lake is unable to eliminate or correct an alleged discriminatory housing practice by informal means, it may commence and prosecute a civil action to enforce the provisions of this ordinance. The Town Board of the Town of Fox Lake by the Town Attorney, may bring a civil action in Circuit Court by filing with it a complaint setting forth the facts and requesting such preventative relief, including an application for a temporary or permanent injunction, restraining order or such other order as he or she deems necessary to insure the full enjoyment of the rights granted by this ordinance, provided, however, that nothing contained herein shall prevent the imposition of a forfeiture in addition to other remedies enumerated herein.

### **Section 9: Requiring References**

Nothing in this ordinance shall be deemed to prohibit an owner or agent from acquiring from any person who seeks to buy, rent or lease housing in the Town of Fox Lake, information concerning family, marital, financial and business status, but not concerning race, color, physical condition, developmental disability, as defined in Sec. 51.05(5) Wis. Stats., or creed.

### **Section 10: Joint Participation**

The Town of Fox Lake, under Sec. 60.23(1) Wis. Stats., by its Town Board, may cooperate with the state, county or other units of government under Sec. 66.30 Wis. Stats., including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operations and maintenance of land, buildings and facilities for regional projects whether or not located in the Town of Fox Lake.

**Section 11: Town Housing Authority/Town Buildings**

The Town Board, upon the authorization by the Town meeting to allow the Town Board of the Town of Fox Lake to exercise village powers under Sec. 60.10(2) Wis. Stats., may, pursuant to Sec. 61.73, 66.40 and 66.425 Wis. Stats., establish and maintain a Town of Fox Lake Housing Authority. In addition, pursuant to Sec. 60.10(2) and 60.10(2)(g) Wis. Stats., the Town meeting may authorize for the use of the Town, to combine, for this purpose, the funds of the Town of Fox Lake with those of a society or corporation doing business or located in the Town of Fox Lake, to accept contributions of money, labor or space for this purpose or to dispose of Town of Fox Lake real or personal property other than property donated to and required to be held by the Town of Fox Lake for a special purpose.

## **B. TOWN INDUSTRIAL DEVELOPMENT ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Town Industrial Development Ordinance”. The purpose of this ordinance is to permit the Town Board to consider industrial development activities.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties pursuant to Sec. 60.23(3), 60.23(3)(d) and 60.23(4) Wis. Stats., and, with the Town meeting approval under Sec. 60.10(3)(b) Wis. Stats., has the additional powers and duties pursuant to the adoption of village powers under Sec. 60.22 Wis. Stats., to appropriate reasonable amounts of funding to attract industry, to establish industrial complexes, to create and maintain a Town of Fox Lake Industrial Development Agency or to appoint an officer to provide staff and facilities for a non-profit corporation to act for the Town of Fox Lake under Sec. 60.23 Wis. Stats., and this ordinance.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties in Chapter 60 Wis. Stats.

## **C. TOWN DEVELOPMENT ZONE ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Town Development Zone Ordinance”. The purpose of this ordinance is to permit the Town Board to consider town development zones.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to Sec. 60.23(3) (c), 60.23(d), 60.30, 60.37, 560.70, 560.71, 560.72, 560.725, 560.73, 560.735, 560.74, 560.745 and 560.763 Wis. Stats., and with Town meeting approval to appropriate reasonable funding, to nominate, create, amend and maintain a Town of Fox Lake development zone and/or to establish a joint municipal development zone and to employ, retain or appoint Town of Fox lake employees to administer and operate the Town of Fox Lake development zone.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties in Chapters 60, 560 and 570 Wis. Stats., and has established, pursuant to these chapters and this ordinance, the powers and duties of the Town Board of the Town of Fox Lake to appropriate reasonable funding to nominate, create, amend and maintain a development zone and/or to establish a joint development zone, to create and appoint a Town of Fox Lake Development Zone Advisory Board, to adopt a Development Zone Plan, to promote economic development within the development zone and to assist the Department of Development with the development zone and to employee personnel to administer and operate the Town of Fox Lake development zone.

## **D. BUSINESS IMPROVEMENT DISTRICT ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Business Improvement District Ordinance”. The purpose of this ordinance is to permit the Town Board to consider business improvement districts.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to Sec. 60.10(3)(b), 60.22, 60.23(3)(c), 60.23(d), 60.37 and 66.608 Wis. Stats., to appropriate reasonable amounts of funding, to create and maintain a Town of Fox Lake Business Improvement District, to manage and promote the Town of Fox Lake Business Improvement District, to establish an assessment method to fund the activities of the Town of Fox Lake Business Improvement District and to employ, retain or appoint Town of Fox Lake employees.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in Chapter 60 and 66 Wis. Stats.

## **E. TOWN TOURISM DEVELOPMENT ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Town Tourism Development Ordinance”. The purpose of this ordinance is to permit the Town Board to consider tourism development.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to Sec. 60.10(3)(b), 60.23, 60.37, 560.23 and 560.29 Wis. Stats., with Town meeting approval, to appropriate reasonable amounts of funding to advertise the attractions, advantages and natural resources of the Town of Fox Lake, to join a regional tourism development corporation, to apply for state cooperative funding and to employ, retain or approve of Town of Fox Lake employees to aid in Town of Fox Lake tourism development and activities.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the statutory authority, powers and duties in Chapters 60, and 560 Wis. Stats., and has approved appropriations of funds to advertise the attractions, advantages and natural resources of the Town of Fox Lake, has approved the employment of persons to administer, operate and implement the tourism development and activities for the Town of Fox Lake, has authorized applications for state cooperative funding and has approved the Town of Fox Lake joining the local tourism corporation.

### **Section 4: Powers and Duties**

The Town Board of the Town of Fox Lake may, upon approval by a Town meeting, under Sec. 60.10(3)(b) Wis. Stats., appropriate reasonable amounts of funding in the annual budget for gifts or donations to be used to advertise the attractions, advantages and natural resources of the Town of Fox Lake.



CHAPTER 8  
LICENSE/REGISTRATION/PERMIT ORDINANCES

**A. GENERAL LICENSES/REGISTRATIONS/PERMITS ORDINANCE**

**Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake General Licenses/Registrations/Permits Ordinance”. The purpose of this ordinance is to define the general licenses, registrations and permits required in the Town of Fox Lake, the manner in which such licenses, registrations, and permits may be obtained, and the fees and penalties which may be imposed.

**Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10 Wis. Stats., to regulate, control, license, register or permit in the Town of Fox Lake persons engaged in certain uses, activities, businesses and operations at certain locations in the Town of Fox Lake, to assess these persons with appropriate fees for the licenses, registrations or permits as noted herein and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses, registrations and permits.

**Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance license, registration and permit ordinance to regulate and control, by ordinance, persons engaged in certain uses, activities, businesses and operations in the Town of Fox Lake, to regulate, by these licenses, registrations and permits, the persons engaged in these uses, activities, businesses and operations at certain locations within the Town of Fox Lake, to assess these persons with appropriate fees for the licenses, registrations or permits and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses, registrations and permits.

**Section 4: General Provisions**

a. Fees/Penalties

The Town Board of the Town of Fox Lake has, by this ordinance, required and confirmed the following licenses, registrations or permits and the Town Board of the Town of Fox Lake has, established that the following will be the fees to be paid by any person to the Town of Fox Lake for the noted licenses, noted registrations or noted permits and the following will be the penalties to be paid by any person to the Town of Fox Lake for violations of these ordinances and the violations of the license, registration and permit conditions:

1) Cigarette License	Amount
a) License	
1) Cigarette Retailer	\$ 5.00
b) Penalty for Violation is \$20.00 to \$200.00 per offense plus court costs	
2) Dog License	Amount
a) License	
1) Neutered Male	\$ 3.00
2) Neutered Female	\$ 3.00
3) Unneutered Male	\$ 8.00

- 4) Unneutered Female \$ 8.00  
b) Penalty for Violation is \$20.00 to \$200.00 per offense plus court costs
- 3) Mobile Home Park/Mobile Home License Amount  
a) License  
1) Mobile Home Park \$75.00  
2) Mobile Home Parking Fee-Wis. Stat 66.058  
b) Penalty for Violation is \$20.00 to \$200.00 per offense plus court costs
- 4) Peddlers License Amount  
a) License  
1) Peddlers \$10.00  
b) Penalty for Violation is \$20.00 to \$200.00 per offense plus court costs
- 5) Building Permit  
a) Permit  
See fee schedule as adopted annually  
b) Penalty for Violation is \$20.00 to \$200.00 per offense plus court costs
- 6) Fireworks Permit  
a) Permit Amount  
1) Fireworks Daily \$10.00  
b) Penalty for Violation is \$20.00 to \$200.00 per offense plus court costs
- 7) Intoxicating Liquor and Fermented Malt Beverage License and Permit  
a) License/Permit Amount  
1) Class A Fermented Malt Beverage Retailers \$ 25.00  
2) Class B Fermented Malt Beverage Retailers \$ 80.00  
3) Semi Annual Fermented \$ 25.00  
4) Retail Class Liquor \$150.00  
5) Retail Class B Liquor \$145.00  
6) Wholesalers/Fermented \$ 80.00  
7) Managers/Operators Fermented/Intoxicating \$ 15.00  
8) Class B Fermented \$ 80.00  
9) Class B Intoxicating \$145.00  
b) Penalty for Violation is \$20.00 to \$200.00 per offense plus court costs
- 8) Junkyard Permit Amount  
a) Permit  
1) Junkyard Automobile \$ 75.00  
b) Penalty for Violation is \$20.00 to \$200.00 per offense plus court costs
- 9) Non-Metallic Mining Permit Amount  
a) Permit  
1) Non-Metallic Mining \$ 75.00  
b) Penalty for Violation is \$20.00 to \$200.00 per offense plus court costs

10) Plumbing and Electrical Permit

a) Permit

See building permit fee schedule

b) Penalty for Violation is \$20.00 to \$200.00 per offense plus court costs

11) Town Road Permit

Amount

a) Permit

1) Town Road Obstruction, Excavation and Alteration	\$ 75.00
2) Single Trip	\$ 25.00
3) Annual or Multiple Trip	\$ 75.00
4) Seasonal	\$ 50.00

b) Penalty for Violation is \$20.00 to \$200.00 per offense plus court costs

12) Waste Permit (See Chapter 14, Section E)

Amount

a) Permit

1) Transporting	\$ 200.00
2) Collection	\$ 200.00
3) Solid Waste Disposal	\$2000.00
4) Hazardous Waste Disposal	\$4000.00
5) Solid Waste Treatment	\$2000.00
6) Hazardous Waste Treatment	\$4000.00
7) Solid Waste Storage	\$2000.00
8) Hazardous Waste Storage	\$4000.00
9) Recycling Ordinance	\$ 200.00

b) Penalty for Violation is \$200.00 to \$2000.00 per offense plus court costs

b. General License and Permit Ordinance Provisions

No person shall engage or allow on land owned, used or leased by that person in the Town of Fox Lake any particular use, activity, business or operation until that person has obtained the required license, registration or permit as established by the Town of Fox Lake in this ordinance.

The application for the license, registration or permit shall be in writing to the Town of Fox Lake. The application shall be filed with the Town Clerk/Treasurer of the Town of Fox Lake. The Town Clerk/Treasurer of the Town of Fox Lake shall prepare and shall then forward, when available and when approved by the Town Board of the Town of Fox Lake, the appropriate written application form to the applicant. The application form for licenses, registrations or permits from the Town of Fox Lake shall contain the appropriate requests for relevant information as may be required by state statute, as required by any Town of Fox Lake Ordinance or as otherwise required by order of the Town Board of the Town of Fox Lake. The Town Clerk/Treasurer of the Town of Fox Lake shall cooperate fully with the Town Board of the Town of Fox Lake in the preparation of the application forms. The Town Board of the Town of Fox Lake shall approve the form and content of the application form. All application fees are to be paid to the Town Clerk/Treasurer of the Town of Fox Lake upon submittal of the completed application form by the applicant or the agent of the applicant.

The application shall, at minimum, contain:

1) The name, address and business telephone number of the applicant, if available. In addition, if partnership the name, address and business telephone number of every partner. If a

corporation, the name, address and business telephone number of every officer of the corporation.

2) The age and state or national residence of the applicant. In addition, if partnership the age and state or national residence of every partner. If corporation, the age and state or national residence of every officer of the corporation.

3) If corporation, the state of incorporation. If not the State of Wisconsin, proof of authorization from the State of Wisconsin to do business in the State of Wisconsin.

All application fees are to be made payable to the Town Clerk/Treasurer of the Town of Fox Lake. The application for license, registration or permit, when submitted to the Town Clerk/Treasurer of the Town of Fox Lake by the applicant shall contain the appropriate fee amount attached. If the license, registration or permit is issued, a receipt for payment of the license, registration or permit fee shall be issued by the Town Clerk/Treasurer of the Town of Fox Lake. If the license, registration or permit is not issued, then the fee amount shall be returned with the written denial letter by the Town Clerk/Treasurer of the Town of Fox Lake. No refunds, unless expressly noted in any Town of Fox Lake Ordinance or by order of the Town Board of the Town of Fox Lake, shall be refunded by the Town Clerk/Treasurer/Treasurer of the Town of Fox Lake unless the license, registration or permit is denied by the Town Board of the Town of Fox Lake.

Unless expressly provided herein by this ordinance, by other Town of Fox Lake Ordinance provisions or as specifically noted below, all licenses, registrations and permits shall be issued by the Town Clerk/Treasurer of the Town of Fox Lake upon approval by the Town Board of the Town of Fox Lake.

The following specific licenses, registrations and permits may be issued by the Town Clerk/Treasurer of the Town of Fox Lake without formal Town Board approval if the application is completed and submitted to the Town Clerk/Treasurer of the Town of Fox Lake, the Town Board does not desire to formally approve or deny the license, registration or permit and if the proper application fee amount is attached:

- 1) Cigarette License
- 2) Dog License
- 3) Peddlers License
- 4) Intoxicating Liquor and Fermented Malt Beverage License and Permit

The following licenses and permits require personal inspection of the premises for the use, activity, business or operation by the Town Board or its designee prior to issuance:

- 1) Mobile Home Park/Mobile Home License
- 2) Building Permit
- 3) Fireworks Permit
- 4) Junkyard Permit
- 5) Non-Metallic Mining Permit
- 6) Plumbing and Electrical Permit
- 7) Town Road Permit
- 8) Waste Permit

Unless the uses, activities, businesses or operations have materially changed since initial issuance, the Town Board may waive the personal inspection provision upon re-issuance of a license or permit.

Unless expressly provide herein or by other Town of Fox Lake Ordinance provisions, all licenses, registrations and permits shall be issued to commence on July 1 and expire on the next June 30 in the fiscal year of issuance or upon the date specifically noted in the license, registration or permit and in either case the license, registration or permit expires after midnight on the last effective date.

The license, registration or permit shall be issued to the applicant by the Town Clerk/Treasurer of the Town of Fox Lake. If the license, registration or permit is for particular premises, a particular use, a particular activity, a particular business or a particular operation, the particular use, activity, business or operation shall be clearly described in the license, registration or permit. No license, registration or permit is transferable, unless specifically provided herein or by other Town of Fox Lake Ordinance provisions, to another person without consent of the Town Board of the Town of Fox Lake. If specific conditions are established in the license, registration or permit by the Town Board of the Town of Fox Lake, those conditions shall be expressly noted in writing on the license, registration or permit and shall be accepted by the applicant by signature prior to issuance by the Town Clerk/Treasurer of the Town of Fox Lake of the license, registration or permit and prior to approval by the Town Board of the Town of Fox Lake.

The Town Clerk/Treasurer of the Town of Fox Lake shall keep a record of the licenses, registrations and permits issued by him or her and the amount of the fees collected for each license, registration or permit.

The license, registration or permit must be dated and signed by the Town Clerk/Treasurer of the Town of Fox Lake if required by the Town Board. The license, registration or permit shall contain the date of issuance and the date of expiration. The license, registration or permit must be exhibited for public view in a conspicuous location by the applicant on the premises or in the vehicle, wherever the licensed, registered or permitted use, activity, business or operation will occur.

Prior to the issuance by the Town Clerk/Treasurer of the Town of Fox Lake of any license, registration or permit, the applicant must agree that he, she or it will fully comply with any and all conditions established with the issuance of the license, registration or permit and he, she or it will comply with all applicable Town of Fox Lake Ordinances. Moreover, the applicant further agrees to obey all reasonable orders and reasonable directives of any Town of Fox Lake law enforcement officer related to the compliance with applicable ordinances and compliance with conditions in the licenses, registrations or permits. Failure to fully comply with the conditions of the license, registration or permit or failure to fully comply with these Town of Fox Lake Ordinances will allow the Town Board of the Town of Fox Lake to suspend or revoke the license, registration or permit and to take whatever other necessary legal action provided for by these Town of Fox Lake Ordinances and state law. All suspension or revocation of any license, registration or permit will be after hearing, unless emergency conditions require immediate and temporary suspension by the Town Board of the Town of Fox Lake. Following any temporary suspension, written notice of same shall be served on or mailed to the last known address of the licensee or permittee. Such notice shall include a statement that the party may make a written request for a hearing before the Town Board within thirty (30) days, by mailing or delivering to the Town a request for hearing.

Unless expressly provided herein or by other Town of Fox Lake Ordinance provisions, the person, once issued the license, registration or permit by the Town Clerk/Treasurer of the Town of Fox Lake and upon acceptance of the license, registration or permit by that person and the acceptance by that person of the conditions attached thereto, consents to the entry of the Town Board of the Town of Fox Lake or any designee of the Town Board upon the licensed, registered

or permitted premises at reasonable hours, upon hours noted within this ordinance or upon hours noted by the license, registration or permit, for regulatory inspection. Further, the person consents to allow the Town Board of the Town of Fox Lake or any designee to remove from the premises and to introduce into evidence in court for violations of this chapter, all relevant items and relevant products found therein by the Town Board of the Town of Fox Lake or its designee. The person issued a license, registration or permit shall comply with all applicable federal and state laws, applicable federal and state regulations and applicable Town of Fox Lake Ordinances.

Unless expressly provided herein or by other Town of Fox Lake Ordinance provisions, any license, registration or permit may be suspended or revoked for cause after the proper Town of Fox Lake hearing noted below, unless in an emergency condition determined by the Town Board of the Town of Fox Lake wherein the license, registration or permit can be suspended temporarily for a set time period. Prior to any action for suspension or revocation, the Town Board of the Town of Fox Lake must, by the Town Clerk/Treasurer of the Town of Fox Lake, receive a certified complaint concerning the licensee, registrant or permittee. The following persons may file a certified complaint with the Town Board of the Town of Fox Lake:

- 1) The Town Chair
- 2) The Town Clerk/Treasurer
- 3) The Town Supervisors
- 4) The Town Building Inspector
- 5) The Town Weed Commissioner
- 6) The Town Law Enforcement Officer
- 7) Any Town of Fox Lake Resident

The person subject to charges for violation of any Town of Fox Lake Ordinance or any violation of a condition of any license, registration or permit shall be provided a copy of the verified complaint and notice of hearing before the Town Board of the Town of Fox Lake. The hearing shall be required to be not less than ten (10) days nor more than thirty (30) days after receipt of notice, unless stipulated in writing by the Town Board of the Town of Fox Lake and the person subject to charges. All alcohol license hearings, pursuant to Sec. 125.12 Wis. Stats., must be held not less than three (3) days and not more than ten (10) days from the date of issuance of a summons.

The person subject to charges for violation of any Town of Fox Lake Ordinance or any violation of a condition of any license, registration or permit shall be entitled to the following:

- 1) Representation by legal counsel
- 2) Right to present and cross examine witnesses
- 3) Right to subpoena witnesses by the Town Chair of the Town of Fox Lake issuing subpoenas to compel attendance of witnesses

The Town Board of the Town of Fox Lake may, after the hearing for any person previously issued a license, registration or permit by the Town Board of the Town of Fox Lake, act as follows:

- 1) Revoke the license, registration or permit as a final decision
- 2) Suspend the license, registration or permit for a date certain as a final decision
- 3) Request additional information as an interim decision prior to taking future action
- 4) Take no action on the license, registration or permit as a final decision

The Law Enforcement Officer of the Town of Fox Lake, by order of the Town Board of the

Town of Fox Lake, shall repossess any license, registration or permit that has been revoked or suspended by the Town Board of the Town of Fox Lake.

If no hearing is requested by the person subject to charge within the time herein noted, the license, registration or permit shall be revoked by the Town Board of the Town of Fox Lake at its next meeting.

Specific reasons that may be considered, at minimum, by the Town Board of the Town of Fox Lake in determining whether to initially issue or not issue a license, registration or permit are as follows:

- 1) A false statement was made by the applicant in the application filed with the Town of Fox Lake and/or a false statement was included in the material attached to the application by the applicant.
- 2) The applicant was not of a good moral character.
- 3) The applicant was not a citizen of the United States of America or was not a legal alien.
- 4) The use, activity, business or operation as proposed by the applicant in the application filed with the Town of Fox Lake and in the material attached to the application will be detrimental to the peace, health, safety and general welfare of the public in the Town of Fox Lake.
- 5) The use, activity, business or operation as proposed by the applicant in the application filed with the Town of Fox Lake and in the material attached to the application will likely cause a public nuisance in the Town of Fox Lake.
- 6) The use, activity, business or operation as proposed by the applicant in the application and the material attached to the application will not likely conform or meet the conditions of this ordinance or any specific state or federal law or regulation.
- 7) The applicant, if a corporation, was not authorized to do business in the State of Wisconsin.
- 8) The applicant was not of age.
- 9) The applicant was not legally competent.
- 10) The applicant did not meet the specific conditions for issuance of a specific license, registration or permit.
- 11) The applicant failed to operate or maintain the uses, activities, businesses or operations as set forth in the application or in the material attached to the application by the applicant.

Any licenses, registrations or permits issued by the Town of Fox Lake are to be deemed non-exclusive unless otherwise so stated. No special privileges, franchises or agreement are intended or to be inferred by the issuance of any license, registration or permit by the Town of Fox Lake other than those specifically prescribed privileges noted in the license, registration or permit. Any license, registration or permit issued by the Town of Fox Lake shall not be issued for the purpose of any restraint of trade or commerce nor issued for the purpose of establishing any type or form of monopoly. No Town of Fox Lake official, employee or agent shall refuse to issue or re-issue a license, registration or permit because of the belief of the Town of Fox Lake official, employee or agent that there are sufficient licenses, registrations or permits in the Town of Fox Lake unless the state law established a quota or fixed amount of licenses, registrations or permits. However, with alcohol licenses, the Town Board has specific authority to determine a quota level or to refuse to issue a license in the best interest of the Town's health and welfare. In each case where a license or permit is refused, the Town Board shall do so based upon rational reasons, which shall be conveyed by the Town Clerk/Treasurer to the applicant

The applicant, upon acceptance of the written license, registration or permit, acknowledges that he or she has not been induced by any promise or statement, whether verbal or written, made by

any Town of Fox Lake official, employee or agent concerning the license, registration or permit of any written conditions attached to and made part of the license, registration or permit. If any applicant, upon receipt of the license, registration or permit, has any questions or concerns regarding the license, registration or permit, the applicant is urged, in a timely manner, to contact the Town Clerk/Treasurer of the Town of Fox Lake.

The Town Clerk/Treasurer of the Town of Fox Lake, upon receipt of any application for any license, registration or permit, shall, if he or she has reason to believe the person is not eligible for the license, registration or permit, is not fit for a license, registration or permit or the premises are not suitable for the uses, activities, businesses or operations contemplated by the applicant, refer the matter to the Town of Fox Lake health officer, building inspector or law enforcement officer for investigation or inspection. If, as a result of the investigation, the Town Clerk/Treasurer believes the license, registration or permit should be denied or delayed he or she shall forward these recommendations to the Town Board of the Town of Fox Lake. The investigation report shall be in writing and shall be filed with the Town Clerk/Treasurer of the Town of Fox Lake.

As a condition of any license, registration or permit, the applicant, licensee, registrant and permittee shall comply fully with all appropriate Town of Fox Lake Ordinances related to the license, registration or permit.

Class A and B alcohol license applications, pursuant to Sec. 125.04 Wis. Stats., shall be published in the general circulation newspaper weekly. If published daily, a Class 3 notice is required.

**c. Administration and Enforcement of License/Registration/Permit Violations**

Unless otherwise noted by order of the Town Board of the Town of Fox Lake, the Town Law Enforcement Officer shall be the official of the Town of Fox Lake responsible to investigate matters related to licenses, registrations and permits and to file any complaints with the Town Board of the Town of Fox Lake regarding licenses, registrations and permits. Unless otherwise noted by order of the Town Board of the Town of Fox Lake, the Town Law Enforcement Officer shall be the official of the Town of Fox Lake responsible to enforce the conditions established in the licenses, registrations and permits issued by the Town of Fox Lake and to enforce the ordinances of the Town of Fox Lake against any licensee, registrant, permittee and other person violating these ordinances.

Unless otherwise noted by order of the Town Board of the Town of Fox Lake, the Town Clerk/Treasurer of the Town of Fox Lake shall, in a timely fashion, inform the Town Board of the Town of Fox Lake of any alleged or real violation of the conditions established in the licenses, registrations or permits issued by the Town of Fox Lake and any alleged or real violations of Town of Fox Lake Ordinances.

Unless otherwise noted by order of the Town Board of the Town of Fox Lake, the Town Clerk/Treasurer of the Town of Fox Lake shall be responsible to inform the Town Board of the Town of Fox Lake of the refusal of any person to obtain a required license, registration or permit from the Town of Fox Lake.

**Section 5: Specific Licenses**

**a. Cigarette License Ordinance**

**1) Coverage**

Every person, pursuant to Sec. 134.65 Wis. Stats., and this ordinance, who sells in the Town of Fox Lake cigarettes to a person who does not hold a Town of Fox Lake Cigarette License or who



does not hold a permit under Sec. 139.30 to 139.41 or 139.79 Wis. Stats., shall seek and obtain a cigarette sales license from the Town of Fox Lake. The fee for such license shall be, by statute, five dollars (\$5.00) per premises. The fees are as noted in Section 4(a). The license shall be issued from July 1 of one year to June 30 of the next year. The license shall be issued by the Town Clerk/Treasurer of the Town of Fox Lake prior to any person selling any cigarettes without the proper license or permit in the Town of Fox Lake.

## 2) Application/License

The application and license shall designate the premises. Such licenses are not transferable from one person to another or are not to be amended from one premise to another. The application shall include:

- a) the name of the applicant
- b) the address of the applicant
- c) the address of the premises
- d) the business and residential telephone number of the applicant, if any
- e) the age of the applicant

## 3) Ordinance/License

- a) The person subject to this ordinance shall comply with Sec. 134.65 Wis. Stats. and this ordinance.
- b) The Town Clerk/Treasurer of the Town of Fox Lake shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.
- c) The applicant and any other person subject to this ordinance shall comply as follows:

No person shall be issued or re-issued a cigarette retail sales license in the Town of Fox Lake until the appropriate fee has been paid to the Town Clerk/Treasurer of the Town of Fox Lake.

No person shall be issued or re-issued a cigarette retail sales license in the Town of Fox Lake until the person owns or has leased a premises in the Town of Fox Lake.

No person shall cause, allow or permit any person to sell or provide in the Town of Fox Lake cigarettes or tobacco products to a person under the age of eighteen (18) years. This provision shall be subject to any defenses for persons established under Sec. 134.66 Wis. Stats. No person shall cause, allow or permit any cigarette vending machines in the Town of Fox Lake within five hundred (500) feet of a school. "School", for the purpose of this section, has the meaning given in Sec. 118.257(1) (c) Wis. Stats.

## b. Dog License Ordinance

### 1) Coverage

Every person, pursuant to Chapter 174 Wis. Stats., and this ordinance, residing in the Town of Fox Lake who owns a dog that on January 1 is at least five (5) months old, shall annually at the time and in the manner prescribed by law for the payment of personal property taxes, seek and obtain a dog license for his or her dog from the Town of Fox Lake. The fee for the license shall be established annually by the Town Board of the Town of Fox Lake prior to May 15<sup>th</sup>. The fee is as noted in Section 4(a). The license shall be from January 1 through December 31. Late fees shall be charged by the Town of Fox Lake if the license is not purchased by April 1 or if not purchased within thirty (30) days of acquiring ownership of the dog.

### 2) Application/License

The application for the dog license shall include a certificate of inoculation from a qualified

veterinarian showing that the dog has been inoculated for rabies and distemper within two (2) years of the application. The application shall include:

- a) the name of the owner
- b) the address of the owner
- c) the business and residential telephone number of the owner, if any
- d) the current records of the owners
- e) the name of the dog
- f) the sex of the dog
- g) the conditions of the dog as to whether the dog is or is not spayed

### 3) Ordinance/License

- a) The owner of any dog in the Town of shall comply with Chapter 174 Wis. Stats. and this ordinance.
- b) The Town Clerk/Treasurer of the Town of Fox Lake shall provide copies of this ordinance at no cost to any applicant requesting a copy under this ordinance.
- c) The applicant and any person subject to this Town of Fox Lake Ordinance shall comply with this ordinance as follows:

No person shall be issued or re-issued a dog license in the Town of Fox Lake until the appropriate fee has been paid to the Town Clerk/Treasurer of the Town of Fox Lake.

No person shall allow his or her dog(s) to run at large in the Town of Fox Lake beyond the property owned or leased by that person unless the dog is accompanied by and is under the control of the owner or another person.

No person shall own or keep any dog in the Town of Fox Lake that:

- 1) habitually pursues vehicles on highways, roads, streets and alleys in the Town of Fox Lake
- 2) assaults or attacks physically persons in the Town of Fox Lake
- 3) bites persons in the Town of Fox Lake
- 4) habitually barks or habitually howls to the disturbance and annoyance of at least two (2) persons residing in the Town of Fox Lake
- 5) remains unlicensed after warning from the Town of Fox Lake

Dogs will be surrendered by the owner or by any other person in the Town of Fox Lake upon demand by the Law Enforcement Officer of the Town of Fox Lake.

Dogs will be reported by the owner or by any other person when they know that a dog has bitten any person in the Town of Fox Lake. The report will be made to the Law Enforcement Officer. The dog will be immediately confined by the owner or by any other person reporting the dog bite upon the dog biting any person. The dog will not be released by the owner or by any other person reporting the dog bite until the Law Enforcement Officer approves the release.

Dogs will be apprehended and confined by an officer appointed by the Town Board of the Town of Fox Lake. This officer shall be the Law Enforcement Officer.

Dogs that are apprehended and confined shall be kept by the Town of Fox Lake for at least seven (7) days at the town hall kennels or at the contracted shelter, unless released sooner if claimed

by the owner. After the time period noted herein, the dog would be either sold for inoculation, apprehension, confinement and care costs or it will be destroyed in a careful, proper and humane manner. The owner, if he or she claims the dog, shall pay the above noted costs incurred by the Town of Fox Lake to the Town Clerk/Treasurer of the Town of Fox Lake. If the dog is unlicensed at time of apprehension, the owner shall pay a penalty of twenty-five dollars (\$25.00). The owner shall post bail in the below noted amounts when reclaiming a dog:

- 1) Twenty-five dollars (\$25.00) for first offense within one (1) calendar year
- 2) Fifty dollars (\$50.00) for second offense within one (1) calendar year
- 3) One Hundred dollars (\$100.00) for third offense within one (1) calendar year

The Town Board of the Town of Fox Lake has, by ordinance and pursuant to Sec. 174.06 Wis. Stats., named the listing official required by September 1 of each year to list the dogs in the Town of Fox Lake. The listing official shall be the Town Clerk/Treasurer. The Town Board of the Town of Fox Lake has, by this ordinance and pursuant to Sec. 174.065 Wis. Stats., named the collection official required by September 15 to receive the list of dogs in the Town of Fox Lake and collect the tax. The collection official shall be the Town Clerk/Treasurer.

The Town Clerk/Treasurer of the Town of Fox Lake shall, pursuant to Chapter 174 Wis. Stats., on or before May 15<sup>th</sup> notify the District Attorney of the County of Dodge of the refusal of any owner to obtain a license for keeping his or her dog in the Town of Fox Lake.

c. Mobile Home Park/Mobile Home License Ordinance

1) Coverage

Every person, subject to Sec. 66.058 and 66.0585 Wis. Stats., and this ordinance, who maintains or operates within the Town of Fox Lake any mobile home park shall seek and obtain a mobile home park license from the Town of Fox Lake. The fee for such license shall be established by the Town Board of the Town of Fox Lake at not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each fifty (50) spaces, except if the mobile home park is in two municipalities. Then, the amount of the license fee shall be the fraction thereof the number of spaces in the park in the municipality bears to the entire number of spaces in the mobile home park. The fee shall be established annually by the Town Board of the Town of Fox Lake prior to May 15<sup>th</sup>. The fees are as noted in Section 4(a). The license shall be issued from January 1 to December 31. The license shall be issued by the Town Clerk/Treasurer of the Town of Fox Lake prior to any person operating or maintaining a mobile home park in the Town.

2) Application/License

The application and license shall designate the premises. The Town Board of the Town of Fox Lake may approve the transfer of the license, but may charge a fee of ten dollars (\$10.00) for each transfer. No license may be transferred, without the Town Board of the Town of Fox Lake approval, to any person or from one person to another.

The application shall include:

- a) the name of the applicant
- b) the address of the applicant
- c) the location of the premises
- d) the business and residential telephone number of the applicant, if any
- e) the complete construction plans and specifications which shall be in compliance

with state laws and regulations and Town of Fox Lake Ordinances

### 3) Ordinance/License

- a) The person subject to this ordinance shall comply with Sec. 66.058 Wis. Stats. and this ordinance.
- b) The Town Clerk/Treasurer of the Town of Fox Lake shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.
- c) The applicant and any other person subject to this ordinance shall comply as follows:

No person shall be issued or re-issued a mobile home park license in the Town of Fox Lake until the appropriate fee has been paid to the Town Clerk/Treasurer of the Town of Fox Lake.

No person shall be issued or re-issued a mobile home park license in the Town of Fox Lake until the person owns or has leased a premises in the Town of Fox Lake to be operated and maintained as the mobile home park.

No person shall be issued or re-issued a mobile home park license in the Town of Fox Lake who has failed to receive from the Town Board of the Town of Fox Lake a written approval of the building, electrical and plumbing plan for the mobile home park.

### 4) Mobile Home Monthly Permit Ordinance

Every person, pursuant to Sec. 66.058 and 66.0585 Wis. Stats., and this ordinance, who occupies a space or lot in a mobile home park or at any other location in the Town of Fox Lake and whose mobile home is not exempt under Sec. 66.058 or 66.0585 Wis. Stats., shall pay a monthly parking fee. These amounts shall be remitted to the Town Clerk/Treasurer of the Town of Fox Lake by a check from the permit holder. The mobile home park licensee shall collect all monthly permit fees and forward these amounts to the Town Treasurer of the Town of Fox Lake. The amounts due to the Town of Fox Lake shall be received twice annually in equal amounts by the 10<sup>th</sup> day of July and the 10<sup>th</sup> day of January. The fee shall be calculated pursuant to Sec. 66.058(3) (c).

The mobile home park licensee and the owner of any land wherein a mobile home has been parked shall furnish information to the Town Clerk/Treasurer of the Town of Fox Lake on forms developed and provided by the State Department of Revenue within five (5) days of the arrival of the mobile home.

Failure to report the information within five (5) days shall, pursuant to Sec. 66.058 Wis. Stats., and this ordinance, subject the responsible person for a forfeiture of not to exceed twenty-five dollars (\$25.00). Each failure to report is a separate offense.

Failure to pay the monthly tax subjects the person occupying the mobile home, the mobile home licensee and the owner of the land wherein the mobile home is parked to penalties under Chapter 70 and 74 Wis. Stats.

### 5) Mobile Homes Beyond Licensed Mobile Home Park

No person shall locate, park, use, own or occupy a mobile home outside a mobile home park in the Town of Fox Lake except as herein expressly provided.

A person may park and store one (1) mobile home in the Town of Fox Lake owned or leased by him or her in his or her garage, in a public commercial storage facility in the Town of Fox Lake

or in the backyard of the residence if the mobile home is not occupied by any person nor is any type of business conducted from the mobile home at anytime.

A person may park and use for display and sale in the Town of Fox Lake mobile homes if these mobile homes are parked in commercially zoned areas, all other zoning and police power requirements are complied with and the mobile homes are not in use for residential or any type of business purpose except for the sole purpose of display and sale.

A person may park mobile homes in the Town of Fox Lake on public streets, highways and alleys in the Town of Lake for a temporary basis with that time period not longer than twelve (12) hours per day. This provision is subject to full compliance by the person with all regulations, laws and ordinances applicable to motor vehicles, roads and parking in the Town of Fox Lake.

A person who is presently holding a permit to occupy a mobile home in the Town of Fox Lake may park, use and occupy the mobile home for residential purposes. This “present permittee” shall be able to continue to occupy and use the mobile home until:

the mobile home is not occupied nor used for residential purposes

- 1) the mobile home is not primarily or permanently occupied and used by the present permittee and his or her immediate family
- 2) the mobile home is not maintained in a sanitary condition
- 3) the mobile home does not comply with Town of Fox Lake building codes, the State of Wisconsin building codes and the rules and regulations of the State Department of Health and Social Services, including the state plumbing code
- 5) the mobile home does not constitute a public nuisance
- 6) the person who occupies the mobile home or the landowner does not pay the monthly fee
- 7) the “present permittee” does not transfer lease or convey in anyway the title to the mobile home to another person outside the immediate family
- 8) the mobile home is moved to a different premises in or outside the Town of Fox Lake beyond the specific location wherein the mobile home is currently parked

A person may be issued or re-issued a mobile home permit from the Town of Fox Lake to locate, park, use and occupy a mobile home outside a mobile home park. A permit for each non-exempt mobile home parked in the Town of Fox Lake shall be issued or re-issued by the Town Board of the Town of Fox Lake only upon certain limited conditions. These conditions are found in Chapter 15 of these Ordinances (Zoning Code)

#### d. Peddlers License Ordinance

##### 1) Coverage

Every person, pursuant to Sec. 60.052 and 130.065 Wis. Stats., pursuant to the adoption of village powers by the Town Board of the Town of Fox Lake and pursuant to this ordinance, except for those persons exempt under Paragraph (6), who travel from place to place within the Town of Fox Lake offering the sale of property which he or she carries with him or her, who goes from place to place within the Town of Fox Lake soliciting orders for services to be performed in the future or who engages in a fixed location within the Town of Fox Lake a temporary business of selling property or services at that location, shall seek and obtain a peddlers license from the Town of Fox Lake. The persons are often called peddlers, haulers, canvassers, solicitors or transient merchants. The fee shall be established annually by the Town

Board of the Town of Fox Lake prior to May 15<sup>th</sup>. The fees are as noted in Section 4(a). The license shall be issued from January 1 until December 31 unless the Town Board of the Town of Fox Lake establishes and issues a peddlers license for a shorter duration. The license shall be issued by the Town Clerk/Treasurer of the Town of Fox Lake prior to any person soliciting orders, offering sales or engaging in a business covered by this ordinance in the Town of Fox Lake.

## 2) Application/License

The application and license shall designate the area in the Town of Fox Lake where these sales efforts will occur. The license shall not be transferable to another person. The license shall be shown to any resident in the Town of Fox Lake if the licensee is requested to demonstrate his or her peddler's license. The application shall include:

- a) the name of the applicant
- b) the address of the applicant
- c) the residential and business telephone number of the applicant, if any
- d) the nature of the sales business
- e) the areas in the Town of Fox Lake where solicitation will occur
- f) a general description of the property or services to be sold
- g) any references, certificates, articles, resumes, affidavits and recommendations to demonstrate the good character and honesty of the applicant
- h) any references, certificates, articles, affidavits and recommendations to demonstrate the quality of the product or service to be sold
- i) the applicants residency for the last two (2) years
- j) the names, addresses and telephone numbers of two (2) persons for character references

## 3) Exemptions

The following are not subject to this licensing requirement:

Wholesalers selling personal property at wholesale to dealers, distributors or retailers.

Newspaper delivery people.

Children under eighteen (18) who are residents of the Town of Fox Lake.

Any person in the Town of Fox Lake soliciting for solely charitable, religious, patriotic or philanthropic purposes if the proceeds are devoted solely to the purposes of the organization, including administration costs.

Sales in the Town of Fox Lake required by statutes or court order.

Auction sales in the Town of Fox Lake conducted for public purchase under state law and under Town of Fox Lake Ordinance.

Sales of service or property in the Town of Fox Lake conducted under another Town of Fox Lake license or permit.

## 4) Ordinance/License

- a) The person subject to this ordinance shall comply with all state laws, state regulations and this ordinance regarding the sale or property and services.
- b) The Town Clerk/Treasurer of the Town of Fox Lake shall provide copies of this ordinance at no cost to the applicant requesting copies under this ordinance.
- c) The applicant and any other person subject to this ordinance shall comply as follows:

No person shall be issued or re-issued a peddler's license in the Town of Fox Lake until the appropriate fee has been paid to the Town Clerk/Treasurer of the Town of Fox Lake.

No person residing outside of the State of Wisconsin shall receive a peddler's license issued or re-issued by the Town of Fox Lake until that person files a one thousand dollars (\$1,000.00) surety bond with the Town Clerk/Treasurer of the Town of Fox Lake. This bond shall be provided to insure or at least partially insure that the applicant will comply with the Town of Fox Lake Ordinances and the state laws and regulations regulating peddlers, haulers, canvassers, solicitors and transient merchants. Moreover, the bond shall be provided to insure or at least partially insure that the applicant as a licensee will properly account for and apply any down payment money received by the licensee from any person in the Town of Fox Lake and will properly provide delivery of goods or services purchased as represented by the licensee to any person in the Town of Fox Lake.

#### 5) Other Provisions

No person with or without a peddlers license issued by the Town of Fox Lake shall, in selling his or her goods or services in the Town of Fox Lake, create any noise annoying to any person or ordinary sensibilities nor shall this person with or without a peddlers license issued by the Town of Fox Lake annoy or harass any person in the Town of Fox Lake once that person has stated to the person selling the product or service that he or she does not desire to purchase the goods or service offered or does not desire to continue their conversation or discussion.

No person with or without a peddlers license issued by the Town of Fox Lake shall, in selling his or her goods or services in the Town of Fox Lake, use highways, streets, roads, alleys or sidewalks in a manner that impedes unreasonably the vehicle traffic flow or unreasonably inconvenience persons in their use of the highways, streets, roads, alleys or sidewalks in the Town of Fox Lake.

No person with or without a peddlers license issued by the Town of Fox Lake shall, in selling his or her goods or services in the Town of Fox Lake, sell while under the influence of drugs or alcohol unless the person is taking prescription drugs under the care of a physician.

No person with or without a peddlers license issued by the Town of Fox Lake shall, in selling his or her goods or services in the Town of Fox Lake, sell from premises or vehicles in the Town of Fox Lake that are not kept clean and in sanitary conditions and any food product offered for sale in the Town of Fox Lake shall be covered and shall be well protected from dirt, insects, dust and animals.

#### e. Building Permit Ordinance

##### 1) Coverage

Every person, pursuant to Sec. 60.10, 101.65, 101.651, 101.76 and 101.761 Wis. Stats., and this ordinance, in the Town of Fox Lake who renovates, remodels or alters an existing structure, constructs a new one or two family dwelling, installs a manufactured building or provides electrical construction in public buildings and places of employment shall seek and obtain a building permit from the Town of Fox Lake. The fees shall be established annually by the Town Board of the Town of Fox Lake prior to May 15<sup>th</sup>. The fees are as noted in Section 4(a). The building permit shall expire within six (6) months of issuance unless substantial construction or other activities have commenced. The permit shall be issued by the Building Inspector of the Town of Fox Lake prior to the person commencing any form of construction noted above in the

Town of Fox Lake.

## 2) Application/Permit

The application and permit shall designate the premises to be used by the permitted person for the construction project. The permit may not be amended if the person changes the premises in the Town of Fox Lake for the construction project. The building permit is not transferable from one person to another. The application for the permit shall contain:

- a) the name of applicant
- b) the address of the construction project
- c) the telephone number, if any, at the construction project and the residential telephone number of the applicant, if any.
- d) type of building permit sought
- e) the length of time for construction project
- f) other pertinent information regarding the construction project requested by the Town of Fox Lake in the application form

## 3) Exemptions

## 4) Ordinance/Permit

- a) The persons subject to this ordinance shall comply with Sec. 101.65, 101.651, 101.76 and 101.761 Wis. Stats., and this ordinance.
- b) The Town Clerk/Treasurer of the Town of Fox Lake shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.
- c) The applicant and the person subject to this ordinance shall comply as follows:

No person shall be issued or re-issued a building permit in the Town of Fox Lake until the appropriate fee has been paid to the Building Inspector of the Town of Fox Lake.

No person shall be issued or re-issued a building permit in the Town of Fox Lake who has not properly and fully completed and submitted to the Building Inspector of the Town of Fox Lake application form developed and provided by the Town of Fox Lake.

No person shall be issued or re-issued a building permit in the Town of Fox Lake if the applicant for the building permit:

- a) fails to meet or comply with the building codes established by the Town of Fox Lake
- b) fails to install, provide and maintain adequate sanitary facilities at the construction project site.
- c) fails to install and maintain adequate fire safety equipment at the construction project.
- d) fails to meet or comply with the Town of Fox Lake building codes on previous construction projects by the applicant in the Town of Fox Lake.
- e) fails to install, provide and maintain adequate and necessary physical structures, equipment and operational controls to prevent public nuisances and to protect public health and safety to persons residing near the construction project site or persons entering the construction project site, including public nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution and erosion.
- f) fails to maintain adequate public liability insurance for the construction project site.
- g) fails to comply with the Town of Fox Lake zoning or County of Dodge zoning as determined by the Building Inspector.



h) fails to install and maintain adequate physical structures and operational control to prevent trespassing, littering, discharging of waste and to prevent private nuisances on private and public lands adjacent to the construction project site.

i) fails to allow physical access to the construction project site by the Building Inspector or designee for inspection purposes upon twenty-four (24) hours notice to the applicant or permittee.

No person shall be issued or re-issued a building permit if a previously permitted construction project has not been completed within a two-year period from the date a permit was issued for the project.

f. Fireworks Permit Ordinance

1) Coverage

Every person, pursuant to Sec. 66.052 and 167.10 Wis. Stats., and this ordinance, in the Town of Fox Lake who sells, possesses or uses fireworks in the Town of Fox Lake shall seek and obtain a fireworks permit from the Town of Fox Lake, except if exempt under this ordinance. The fees shall be established annually by the Town Board of the Town of Fox Lake prior to May 15<sup>th</sup>. The fees are as noted in Section 4(a). The permit shall be issued for the date established for the permitted use. The permit shall be issued by the Town Chairperson of the Town of Fox Lake and a copy of the issued permit shall be given to fire and law enforcement officials, pursuant to Sec. 167.10(3)(g) Wis. Stats., at least two (2) days before the date of authorized use in the Town of Fox Lake.

2) Application/Permit

The application shall be made to the Town Chair of the Town of Fox Lake and the Town Chair shall issue or not issue the fireworks permit. The application shall include:

- a) the name of the applicant
- b) the address of the applicant
- c) the residential and business telephone number of the applicant, if any
- d) the age of the applicant
- e) the date requested for purchase of fireworks and the date requested for the fireworks use
- f) the time and location for the required use
- g) the kind and quantities of fireworks and where purchased
- h) the classification of the applicant as noted in Sec. 167.10(3)©, (2003-04) Wis. Stats.
- i) the proposed location for the storage of the fireworks in the Town of Fox Lake
- j) a description of the safety projections to be provided during the permitted use
- k) a description of the fire safety equipment to be installed and maintained during the permitted use
- l) a diagram of the ground demonstrating fireworks ignition area, public restraint area and area where the public will be located
- m) the type and amount of security and sanitation personnel to be provided and maintained for security and sanitary projections
- n) purpose of display, identifying group(s) involved

Certain persons are exempt from this permit requirement in the Town of Fox Lake. The permit requirement does not apply to:

- a) the Town of Fox Lake, but Town of Fox Lake fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance
- b) the possession of or use of explosives in accordance with rules or general orders of the State Department of Workforce Development
- c) the disposal of hazardous substances in accordance with rules adopted by the State Department of Natural Resources
- d) the possession of or use of explosives or combustible materials in any manufacturing process
- e) the possession of or use of explosives or combustible materials in connection with classes conducted by educational institutions
- f) the possession of or use of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit

Moreover, only certain persons may be issued a fireworks permit in the Town of Fox Lake. The persons who may be issued a permit are:

- a) a public authority
- b) a fair association
- c) an amusement park
- d) a park board
- e) a civic organization
- f) a group of resident or non-resident individuals
- g) an agricultural producer for the protection of crops from predatory birds or animals

#### 4) Ordinance/Permit

a) The person subject to this ordinance shall comply with Sec. 167.10 Wis. Stats. and this ordinance.

b) The Town Clerk/Treasurer of the Town of Fox Lake shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.

c) The applicant and any other person subject to this ordinance shall comply as follows:

No person shall be issued or re-issued a fireworks permit in the Town of Fox Lake until the appropriate fee has been paid to the Town Clerk/Treasurer of the Town of Fox Lake.

No person shall be issued or re-issued a fireworks permit in the Town of Fox Lake if the applicant:

- a. fails to create or maintain adequate safety protections during the requested or permitted use when established by the Town of Fox Lake as a condition of the permit
- b. fails to install or maintain adequate fire safety equipment during the requested or permitted use when established by the Town of Fox Lake as a permit condition
- c. fails to provide or maintain adequate indemnity bond pursuant to Sec. 167.10(3)(e), Wis. Stats., in the proper amount when established by the Town of Fox Lake as a condition of the permit
- d. fails to prevent open fires intentionally ignited at the permitted use location
- e. fails to provide or maintain adequate security personnel at the requested or permitted use location

- f. fails to provide or maintain adequate physical structures, equipment and operational control to prevent trespassing and littering and to prevent private nuisances on private and public land adjacent to the requested or permitted use location
- g. fails to provide for or to keep the requested or permitted use location free of trash, papers or other debris during and after the requested or permitted use

## 5) Other Provisions

The Town of Fox Lake prohibits the sale, possession or use of fireworks, as defined by this ordinance, at all times except when in compliance with this ordinance.

The Town of Fox Lake prohibits any person from allowing or permitting fireworks to be used or exploded on his or her premise or premises under his or her control except as authorized by Sec. 167.10 Wis. Stats., or this ordinance.

The Town of Fox Lake prohibits the mishandling and misuse of fireworks. The following actions are mishandling and misuse of fireworks:

- a) the throwing by any person of ignited or non-ignited fireworks
- b) the intentional igniting or discharging in anyway of fireworks within twenty (20) feet of a nursing home, library, hospital, jail, medical clinic, day care center, school, service station or other premises where gasoline or other volatile materials are sold in excess of ten (10) gallons per day
- c) the intentional igniting or discharging of fireworks from a motor vehicle or boat regardless if the motor vehicle or boat is moving
- d) The Town of Fox Lake adopts by reference Sec. 167.10 Wis. Stat.

## g. Intoxicating Liquor and Fermented Malt Beverage License Ordinance

### 1) Coverage

Every person, pursuant to Chapter 125 Wis. Stats., and this ordinance in the Town of Fox Lake who sells alcohol beverages with one-half of one percent (1/2 of 1%) of alcohol by volume or more and manufacturers, wholesalers, retailers and distributors of such beverages in the Town of Fox Lake shall seek and obtain the following applicable license or permits from the Town of Fox Lake, namely:

- a) Class B Winery License
- b) Class A Fermented Malt Beverage
- c) Class B Fermented Malt Beverage
- d) Class A Liquor
- e) Class B Liquor
- f) Operators License
- g) Class B Fermented Malt Beverage, Picnic License
- h) Manager's License
- i) Class A Permit
- j) Class B Permit
- k) Pharmacist's Permit

The fees for such licenses or permits shall be established annually by the Town Board of the Town of Fox Lake. The fees are as noted in Section 4(a). The license or permit shall be from July 1 of one year to June 30 of the next year.

### 2) Application/License/Permit

The application and license or permit shall designate the area in the Town of Fox Lake where the alcohol beverage will be sold. The license to sell alcohol beverages may be transferred if the licensee or permittee:

- a) dies
- b) becomes bankrupt
- c) makes an assignment for benefit of creditors

If the licensee/permittee becomes disabled, the Town may, upon application, transfer the license/permit to the licensee's/permittee's spouse if the spouse qualifies for a license/permit pursuant to Chapter 125 Wis. Stats., and this ordinance and the spouse complies with requirements under Chapter 125 Wis. Stats., for original applicants. However, the spouse is exempt from payment of the license/permit fee for the year in which the transfer takes place.

Upon the happening of any of the events noted above, the personal representative, the surviving spouse if a personal representative is not appointed, the trustee or the receiver may continue or sell or assign the business. If the business is sold or assigned, the license may be transferred to the successor owner or assignee at no charge if:

- a) he or she complies with the requirements applicable to original applicants
- b) he or she is acceptable to the Town Board of the Town of Fox Lake and consent to the transfer is given by the Town Board of the Town of Fox Lake.

The license/permit to sell alcohol beverages may be transferred to another area or premises in the Town of Fox Lake. Class A, Class B licenses/permits, Managers License and Operators Licenses, pursuant to Sec.125.04 (12) Wis. Stats., are limited to only one transfer in any license or permit year. Transfers shall cost ten dollars (\$10.00) and shall be payable to the Town Clerk/Treasurer. The Town Clerk/Treasurer shall promptly notify the State Department of Revenue of any transfers.

All licenses/permits issued by the Town of Fox Lake shall be displayed by the licensee/permittee in an enclosed frame having a transparent front which allows the license/permit to be clearly read. The license/permit shall be conspicuously displayed in the room or place where the activity subject to license/permit is carried on.

The application for license/permit noted herein shall be provided by the State Department of Revenue. This form shall be used by the Town of Fox Lake except the Town of Fox Lake shall prepare a separate application form for an Operators License or a Managers License.

The application shall, for any Operators License or Managers License, include:

- a) the name of the applicant
- b) the address of the applicant
- c) the residential and business telephone number of the applicant, if any
- d) the age of the applicant
- e) the name of the licensed premises where the alcohol beverage will be sold
- f) the address of the licensed premises where the alcohol beverage will be sold
- g) the business telephone number of the licensed premises where the alcohol beverage will be sold
- h) a history of the applicant relevant to the fitness of the applicant to hold a license
- i) which license requested (Operators License or Managers License)
- j) the kind of Operators License, if any, for which the applicant is applying (permanent or temporary)

- k) length of applicant residency in State of Wisconsin
- l) any felony record of applicant. If so, was applicant duly pardoned. If so, by whom?
- m) any arrest or conviction record. If so, for what acts?

### 3) Exemptions

### 4) Ordinance/License/Permit

- a) The person subject to this ordinance shall comply with Chapter 125 Wis. Stats. and this ordinance.
- b) The Town Clerk/Treasurer of the Town of Fox Lake shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.
- c) The applicant and any other person subject to this ordinance shall comply as follows:

No person shall be issued or re-issued any of the noted alcohol beverage licenses/permits in the Town of Fox Lake until the appropriate fee has been paid to the Town Clerk/Treasurer of the Town of Fox Lake.

No person, pursuant to Sec. 111.32, 111.321, 111.335 and 125.04 Wis. Stats., shall be issued or re-issued any of the noted alcohol beverage licenses/permits in the Town of Fox Lake who has been a habitual law offender or charged and convicted of a felony unless the person has been duly pardoned.

Only natural persons that are residents of the State of Wisconsin for at least ninety (90) days shall be issued or re-issued the noted alcohol beverage licenses/permits in the Town of Fox Lake, except a natural person applying for an Operators License or a Managers License need not be a resident of the State of Wisconsin at the time of application. However, a natural person must be a resident of the State of Wisconsin at time of issuance of a Managers License.

Only natural persons that have attained the legal drinking age shall be issued or re-issued the noted alcohol beverage licenses/permits in the Town of Fox Lake, except a natural person applying for an Operators License need not be of legal drinking age at time of application. However, a natural person must have attained the age of eighteen (18) at date of issuance of an Operators License.

Only corporate persons whose agent meets the qualification established in Sec. 125.04(6) Wis. Stats., and whose directors meet the qualifications established in Sec. 125.04(5) Wis. Stats., shall be issued or re-issued the noted alcohol beverage licenses/permits in the Town of Fox Lake, except no foreign corporation shall be issued a Class B.

No person shall be issued or re-issued a Class A or Class B license/permit in the Town of Fox Lake if the beverage will be sold or stored or both in the following premises:

- a) Schools, churches, hospitals, Sec. 125.68(3) Wis. Stats.
- b) Mental health hospitals, Sec. 125.68(3) Wis. Stats.

No person shall be issued or re-issued a Class B license/permit in the Town of Fox Lake until the premises complies with the rules promulgated by the State Department of Health and Social Services governing sanitation in restaurants.

No person shall be issued or re-issued a Class A license/permit or a Class B

license/permit in the Town of Fox Lake until the premises complies with the Town of Fox Lake building code and plumbing code or the State of Wisconsin building code and plumbing code.

No person shall be issued or re-issued any alcohol beverage license/permit in the Town of Fox Lake until all delinquent taxes, assessments and forfeitures from ordinance violations are paid to the Town Treasurer.

No person shall be issued or re-issued a Class A or Class B intoxicating liquor license/permit in the Town of Fox Lake who does not, at the time of application, have a building on the premises for the purpose of utilizing the license or permit. No person shall be issued or re-issued the license/permit until the building has been constructed and the building complies with all federal, state, County of Dodge and Town of Fox Lake laws, regulations and ordinances, including but not limited to, fire, sanitation, electrical, plumbing and building codes. If the building where alcohol beverages is sold is destroyed, the license or permit issued by the Town of Fox Lake shall remain valid until expiration of the license or permit term and, in addition, the person issued the license or permit shall have thirty (30) days after expiration to complete construction of a new building for re-issuance of a new license/permit.

The Town Board of the Town of Fox Lake, at its option, may waive the construction completion requirement if the Town Board:

- a) believes the applicant has the intent to construct a premises
- b) receives from applicant written plans or written contracts submitted as proof of construction
- c) receives a signed sworn statement from applicant that applicant will construct a building for retail alcohol beverage sales and that the building will be completed for actual business operations and in conformity with State of Wisconsin and Town of Fox Lake laws, regulations and ordinances within ninety (90) days after the submittal of the application.

This license/permit shall be issued upon conditions of completeness. If the building is not completed by the above noted time period and if the building does not meet the State of Wisconsin and Town of Fox Lake laws, regulations and ordinances, then the license/permit will be invalid and applicant will need to reapply for a license or permit.

No adult person in the Town of Fox Lake may intentionally encourage or contribute to any underage person procuring alcohol beverages, entering a licensed or permitted premises in violation of Sec. 125.07(3) Wis. Stats., falsely representing his or her age for the purpose of receiving alcohol beverages from a licensee or permittee or knowingly possessing or consuming alcohol beverages unless allowed pursuant to Sec. 125.07 (4) Wis. Stats.

No underage person in the Town of Fox Lake, not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may enter, knowingly attempt to enter or be on any licensed or permitted premises for any purpose except those specific purposes noted in Sec. 125.07(3) Wis. Stats.

No person as owner, lessee or in charge of a public place or public facility in the Town of Fox Lake may permit the consumption of alcohol beverages on the premises of the public place unless the person has the appropriate retail alcohol beverage license or permit issued by the Town of Fox Lake. This provision does not apply to the Town of Fox Lake other municipal units in the Town of Fox Lake buildings and parks owned by the County of Dodge regularly established athletic fields and stadiums, school buildings, churches and premises in a state fair park or clubs.

No person in the Town of Fox Lake may possess or consume alcohol beverages on school premises, in a motor vehicle if a pupil attending the school is in the motor vehicle or while participating in a school sponsored activity.

No person in the Town of Fox Lake may sell or peddle any alcohol beverages from house to house where the sale and delivery are made concurrently.

The Town of Fox Lake may not engage in the sale of alcohol beverages except as authorized by Sec. 125.26(6) Wis. Stats.

No person shall be issued or re-issued, at any one time, more than two (2) Class A fermented malt beverage licenses in the Town of Fox Lake.

No person shall be issued or re-issued, at any one time, more than two (2) Class B fermented malt beverage licenses in the Town of Fox Lake.

No person shall be issued or re-issued, at any one time, more than two (2) Class A intoxicating liquor licenses in the Town of Fox Lake.

No person shall be issued or re-issued, at any one time, more than two (2) Class B intoxicating liquor licenses in the Town of Fox Lake.

No person in the Town of Fox Lake shall sell or possess with the intent to sell, intoxicating liquor who does not hold the appropriate license or permit issued or re-issued by the Town of Fox Lake.

No person in the Town of Fox Lake shall give away intoxicating liquor or use any other means to evade the law of the State of Wisconsin or this ordinance relating to the sale of intoxicating liquor in the Town of Fox Lake.

No person in the Town of Fox Lake, if the Town of Fox Lake has elected to issue a Managers License under Sec. 125.18 Wis. Stats., may manage the licensed or permitted premises operating under a Class B intoxicating liquor license issued by the Town of Fox Lake unless the person is the licensee, an agent or corporation appointed as required by Sec. 125.04(6) Wis. Stats., or the holder of a Managers License. For purposes of this provision a "person manages" a Class B premises if that person has the responsibility or authority for:

- a) personnel management of all employees
- b) the terms of contract for the purchase of goods or services whether or not the person is authorized to sign contract
- c) the daily operations of the Class B premises

Any underage person in the Town of Fox Lake who does any of the following is subject to a forfeiture as noted in Section 4(a):

- a) intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information
- b) makes, alters or duplicates an official identification card
- c) presents false information to an issuing officer in applying for an official identification card
- d) intentionally carries an official identification card or other documentation showing that the person has attained the legal drinking age, with knowledge that the official identification card or documentation is false

- e) provides to another underage person an official card or other documentation purporting to show that the other underage person has attained the legal drinking age, with knowledge that the official identification card or documentation is false.

#### 5) Other Provisions

The Town Board of the Town of Fox Lake shall, at minimum, establish written considerations and grounds for any determination to not re-new or not re-issue to any person an alcohol beverage license or permit authorized by this ordinance. These considerations and grounds may be that the person:

- a) violated Chapter 125 Wis. Stats., or this ordinance
- b) kept or maintained a disorderly or riotous, indecent or improper house
- c) sold or gave away alcohol beverages to known drunkards or known intoxicated persons
- d) does not possess qualifications to hold license or permit
- e) failed to maintain sanitary standards established by the State of Wisconsin or the Town of Fox Lake
- f) was convicted of a criminal offense, contrary to Sec. 944.21 Wis. Stats., related to obscene performances in the Town of Fox Lake
- g) was convicted of a criminal offense, contrary to Sec. 944.32 Wis. Stats., related to soliciting prostitutes in the Town of Fox Lake
- h) was convicted of a criminal offense, contrary to Sec. 944.34 Wis. Stats., related to keeping place of prostitution in the Town of Fox Lake
- i) was convicted of a criminal offense, contrary to Sec. 944.33 Wis. Stats., related to pandering in the Town of Fox Lake
- j) was convicted of a criminal offense, contrary to Sec. 944.36 Wis. Stats., related to solicitation of drinks in the Town of Fox Lake
- k) was convicted of a criminal offense, contrary to Sec. 950.02, 950.03, 950.04 and 950.041 Wis. Stats., related to gambling in the Town of Fox Lake
- l) was convicted of a criminal offense, contrary to Sec. 947.01 Wis. Stats., related to disorderly conduct in the Town of Fox Lake
- m) was convicted of a criminal offense, contrary to Sec. 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.19, 940.20, 940.21, 940.225, 940.23, 940.24, 940.25, 940.291, 940.30 and 940.31 Wis. Stats., related to homicide and physical harm to others in the Town of Fox Lake

The Town Board of the Town of Fox Lake shall provide the licensee or permittee a hearing prior to non-renewal of the license or permit. The notice to the licensee or permittee on non-issuance or non-renewal shall be in writing prior to the hearing and shall state the reasons for the intended action by the Town Board. The Town Board of the Town of Fox Lake shall be capable of suspending a permit or license up to thirty (30) days without hearing in any calendar year.

Licensed or permitted premises shall be operated by the licensee, permittee, operator or manager in an orderly manner. No persons shall cause, allow or permit any person to act in a disorderly, riotous, or with indecent conduct on the licensed or permitted premises. No licensee or permittee shall employ any underage person to work in or allow any underage person to enter a licensed or permitted premise without fully complying with Chapter 125 Wis. Stats.

Any person convicted of a second offense under this ordinance, in addition to the penalties, shall automatically forfeit any alcohol beverage license or permit issued by the Town of Fox Lake without notice. Any person whose license or permit has been revoked under this ordinance shall not be re-issued a license or permit for a period of one (1) year from the date of revocation.



The Town Board of the Town of Fox Lake may, by order, temporarily close any licensed or permitted premises during any civil disturbance, riot, labor disturbance, strike or other civil emergency declared by the Town Board of the Town of Fox Lake.

No person in the Town of Fox Lake shall, within any licensed or permitted premises or any other location in the Town of Fox Lake, be habitually drunk or intoxicated so as to cause a disturbance, disturb the good order of the Town of Fox Lake or be found in any place within the Town of Fox Lake in such a state of intoxication that he or she is unable to care for his or her safety or for the safety of others.

No person in the Town of Fox Lake shall, within any licensed or permitted premises, intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation. This provision does not include any bona fide and recognized athletic contest held on the premises with approval of the Town Board of the Town of Fox Lake.

No person shall loiter or be encouraged or permitted by the licensee or permittee to loiter in or about any licensed or permitted premises for the purpose of attracting or maintaining customers at the licensed or permitted premises.

The Town Board of the Town of Fox Lake can delegate to the Town Clerk/Treasurer of the Town of Fox Lake specific administrative powers pursuant to Chapter 125 Wis. Stats., or its successor chapter. This delegation of power by the Town Board of the Town of Fox Lake is, by this ordinance, limited to the issuance of a certain alcohol license called a "picnic license", pursuant to Sec. 125.26(6) and 125.51(10) Wis. Stats., or any successor provisions. Such licenses are by their nature temporary in duration and require no waiting period after application.

When a "picnic license" application is received within twenty-four (24) hours of a scheduled meeting of the Town Board of the Town of Fox Lake, or at a time following such a meeting when the applicant requests a license for a time period prior to the next regularly scheduled Town Board meeting, the Town Clerk/Treasurer of the Town of Fox Lake is hereby authorized, by this ordinance, to approve and issue such a license with out approval of the Town Board of the Town of Fox Lake, provided the following standards are present:

- a) The applicant has not held a suspended license or had a revocation of license in the Town of Fox Lake within the year prior to application;
- b) There is no history of criminal arrests or convictions, to the knowledge of the Town Clerk/Treasurer of the Town of Fox Lake (the Clerk/Treasurer is authorized to verify this information);
- c) The Town Chair of the Town of Fox Lake is notified by the Town Clerk/Treasurer of the Town of Fox Lake, either orally or in writing, and expresses no objection within forty-eight (48) hours of notice of mailing or transmission;
- d) The license fee established by the Town Board of the Town of Fox Lake has been fully paid.

#### h. Junkyard Permit Ordinance

##### 1) Coverage

Every person, pursuant to Sec. 60.10, 84.31 and 175.25 Wis. Stats., and this ordinance, in the Town of Fox Lake who shall accumulate or store junked automobiles or parts thereof within five hundred (500) feet of the center line of any Town road in the Town of Fox Lake shall seek and obtain a junkyard permit from the Town of Fox Lake. The fee for such permit shall be established by the Town Board of the Town of Fox Lake. The fees shall be established annually

by the Town Board of the Town of Fox Lake prior to May 15<sup>th</sup>. The fees are as noted in Section 4(a). The permit shall be issued for July 1 of one year to June 30 of the next year. The permit shall be issued by the Town Clerk/Treasurer of the Town of Fox Lake prior to any person accumulating or storing such auto materials in the Town of Fox Lake.

## 2) Application/Permit

The application and permit shall designate the premises to be permitted. The permit may be amended without charge if the permittee changes premises in the Town of Fox Lake. However, the permit is not transferable from one person to another. The application and permit shall contain the following:

- a) the name of the applicant
- b) the address of the commercial premises
- c) the commercial premises telephone number, if any, and the residential telephone number of the applicant, if any
- d) a description of the commercial premises
- e) the quantity and manner of storing such junk
- f) the projected number of years for accumulation, storage and removal of vehicles

Certain persons will be exempt from this permit requirement if they meet the requirements of Sec. 175.25(4) Wis. Stats. Moreover, any person with less than four (4) unlicensed automobiles stored on premises shall be exempt from this ordinance.

## 4) Ordinance/Permit

- a) The persons subject to this ordinance shall comply with Sec. 84.31 and 175.25 Wis. Stats., and this ordinance.
- b) The Town Clerk/Treasurer of the Town of Fox Lake shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.
- c) The applicant and any other person subject to this ordinance shall comply as follows:

No person shall be issued or re-issued a junkyard permit in the Town of Fox Lake until the appropriate fee has been paid to the Town Clerk/Treasurer of the Town of Fox Lake.

No person shall be issued or re-issued a junkyard permit in the Town of Fox Lake if the Town Board of the Town of Fox Lake determines that the applicant for the junkyard permit:

- a) fails to install and maintain fences.
- b) fails to prevent and remove inappropriate advertising on the fences.
- c) fails to install and maintain adequate fire safety equipment.
- d) fails to properly drain all automobile tanks and engines.
- e) fails to install, provide and maintain adequate sanitary facilities.
- f) fails to comply with the operational hours at the junkyard premises.
- g) fails to meet the Town of Fox Lake building codes for the junkyard premises.
- h) fails to install, provide and maintain adequate and necessary physical structures and equipment.
- i) fails to comply with conditions, rules and safeguards to prevent public nuisances and to protect the public health and safety to persons residing near the junkyard premises or persons entering the junkyard premises including public nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution and erosion.

- j) fails to maintain adequate public liability insurance for the junkyard location.
- k) fails to comply with Town of Fox Lake Zoning Ordinances and County Zoning Ordinances.
- l) fails to prevent open fires or the burning of solid waste or hazardous waste at the junkyard premises. This includes the burning of automobiles and parts thereof.
- m) fails to install, provide and maintain adequate landscaping surrounding the junkyard premises.
- n) fails to provide and maintain adequate security and operational personnel to prevent trespassing onto the junkyard premises.
- o) fails to install and maintain adequate physical structures and operational controls to prevent trespassing, littering and to prevent private nuisances on private and public lands adjacent to the junkyard location.
- p) fails to provide adequate sanitary personnel to keep the junkyard location free of trash, papers, noxious weed, standing waster and other debris during and after daily operations at the junkyard location.
- q) fails to allow physical access to the junkyard location for inspection purposes upon forty-eight (48) hours notice to the applicant or permittee.

## 5) Other Provisions

### i. Non-Metallic Mining Permit Ordinance

#### 1) Coverage

Every person, pursuant to Sec. 60.10 and 60.038 Wis. Stats., and this ordinance, doing business in the Town of Fox Lake who engages in a non-metallic mining operation at a non-metallic mining site in the Town of Fox Lake or a person who engages in reclamation of a non-metallic mining site shall seek and obtain a non-metallic mining permit from the Town of Fox Lake. The fee for such permit shall be established by the Town Board of the Town of Fox Lake. The fees shall be established by the Town Board of the Town of Fox Lake prior to May 15<sup>th</sup>. The fees are as noted in Section 4(a). The permit shall be issued from July 1 of one year to June 30 of the next year. The permit shall be issued by the Town Clerk/Treasurer of the Town of Fox Lake prior to the person conducting and maintaining a non-metallic mining operation at a non-metallic mining site in the Town of Fox Lake.

#### 2) Application/Permit

The application and permit shall designate the premises to be used by the permitted person for the non-metallic mining operation. The permit may not be amended if the person changes premises in the Town of Fox Lake for the non-metallic mining site.

The application for permit shall contain:

- a) the name of applicant
- b) the address of applicant
- c) the business and residential telephone number of applicant, if any
- d) description of quantity and manner of the non-metallic mining operation

#### 3) Exemptions

Persons will be exempt from this permit requirement if they conduct in the Town of Fox Lake the following activities:

- a) excavations or grading by a person solely for domestic use at his or her residence.
- b) grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
- c) excavations for building construction purposes.
- d) any mining operation, the reclamation of which is required in a permit obtained under Sec.144.80 to 144.94 Wis. Stats.
- e) any activities conducted at a solid or hazardous waste disposal facility site required to prepare, operate or close a solid waste disposal facility under Sec. 144.435 to 144.445 Wis. Stats. or a hazardous waste disposal facility under Sec.144.60 to 144.74 Wis. Stats., but a non-metallic mining reclamation ordinance may apply to activities related to solid or hazardous waste disposal which are conducted at a facility such as activities to obtain non-metallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads for the solid or the hazardous waste facility.

#### 4) Ordinance/Permit

- a) The persons subject to this ordinance shall comply with Sec. 66.038 Wis. Stats., and this ordinance.
- b) The Town Clerk/Treasurer of the Town of Fox Lake shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.
- c) The applicant and the person subject to this ordinance shall comply as follows:

No person shall be issued or re-issued a non-metallic mining permit in the Town of Fox Lake until the appropriate fee has been paid to the Town Clerk/Treasurer of the Town of Fox Lake.

No person shall be issued or re-issued a non-metallic mining permit in the Town of Fox Lake if the applicant for the non-metallic mining permit:

- a) fails to meet or comply with the reclamation standards established by the Town of Fox Lake as noted herein by this ordinance.
- b) fails to develop and submit to the Town Board of the Town of Fox Lake a non-metallic mining operation plan and fails upon operation to comply with the plan.
- c) fails to develop and submit to the Town Board of the Town of Fox Lake a non-metallic mining reclamation plan and fails upon operation to comply with plan.
- d) fails to submit and maintain the financial assurance requested by the Town Board of the Town of Fox Lake, pursuant to Sec. 66.038(4)(e) Wis. Stats.
- e) fails to install and maintain adequate fire safety equipment at the non-metallic mining operation.
- f) fails to install and maintain adequate sanitary facilities at the non-metallic mining operation.
- g) fails to comply with the operational hours for operation of the non-metallic mining operation.
- h) fails to meet the Town of Fox Lake building code for the non-metallic mining site.
- i) fails to install, provide and maintain adequate and necessary physical structures,

equipment and operational controls to prevent public nuisances and to protect the public health and safety to persons residing near the non-metallic mining operation or person entering the non-metallic mining operation, including public nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution and erosion.

- j) fails to maintain adequate public liability insurance for the non-metallic mining site.
- k) fails to provide and maintain adequate security and operational personnel at the non-metallic mining site to prevent trespassing on to the non-metallic mining site.
- l) fails to install and maintain adequate physical structures and operational controls to prevent trespassing, littering, discharging of waste and to prevent private nuisances on private and public lands adjacent to the non-metallic mining site.
- m) fails to provide adequate sanitary personnel at the non-metallic mining operation, fails to maintain adequate sanitary facilities at the non-metallic mining site and fails to keep the non-metallic mining site free of trash, papers, standing water, noxious weeds and other debris during and after daily operations at the non-metallic mining site.
- n) fails to allow physical access to the non-metallic mining site for inspection purposes upon forty-eight (48) hours notice to the applicant or permittee.

## 5) Other Provisions

### j. Plumbing and Electrical Permit Ordinance

#### 1) Coverage

Every person, pursuant to Sec. 60.22 and 145.04 Wis. Stats., and this ordinance, in the Town of Fox Lake who installs or alters plumbing or electrical service on his or her property in the Town of Fox Lake shall seek and obtain a plumbing/electrical permit from the Town of Fox Lake. The permit fee shall be established by the Town Board of the Town of Fox Lake. The fees shall be established by the Town Board of the Town of Fox Lake prior to May 15<sup>th</sup>. The fees are as noted in Section 4(a). The permit shall be issued for a period certain not to exceed six (6) months. The permit shall be issued by the Town Clerk/Treasurer of the Town of Fox Lake prior to any person commencing or authorizing the commencement of any installation or alteration of plumbing or electrical service at his or her property in the Town of Fox Lake.

#### 2) Application/Permit

The application and permit shall designate the site wherein the installation or alteration of plumbing or electrical service will occur. The permit may not be amended if the permittee changes premises in the Town of Fox Lake. The permit is not transferable from one person to another. The application shall include:

- a) the name of the applicant
- b) the address of the applicant
- c) the residential and business telephone number of the applicant, if any
- d) the application date
- e) the date of the required permit
- f) the name, address and telephone number of the licensed plumber, if any
- g) the location of the plumbing/electrical project

- h) the description of the installation or alteration of the plumbing/electrical service at the project
- i) the projected time from commencement to termination of the project

#### 4) Ordinance/Permit

- a) The person subject to this ordinance shall comply with Sec. 145.04 Wis. Stats., and this ordinance.
- b) The Town Clerk/Treasurer of the Town of Fox Lake shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.
- c) The applicant and any other person subject to this ordinance shall comply as follows:

No person shall be issued or re-issued a plumbing or electrical permit in the Town of Fox Lake until the appropriate fee has been paid to the Town Clerk/Treasurer of the Town of Fox Lake.

No person shall be issued or re-issued a plumbing or electrical permit in the Town of Fox Lake who has failed to properly and fully complete and submit to the Building Inspector of the Town of Fox Lake the application form as developed and provided by the Town of Fox Lake.

No person shall be issued or re-issued a plumbing or electrical permit in the Town of Fox Lake if the applicant or permittee:

- a) fails to allow physical access to the requested or permitted plumbing or electrical site location to the building inspector or designee for inspection purposes upon forty-eight (48) hours notice to the applicant or permittee.
- b) fails to adequately meet and comply with the Town of Fox Lake and State of Wisconsin building code and plumbing code.
- c) fails to correct an installation or alteration of plumbing or electrical service within fifteen (15) days after receipt of written notice from the Town of Fox Lake noting the need for correction.

#### 5) Other Provisions

The Town of Fox Lake prohibits the installation or alteration of plumbing or electrical service of any property by any person in the Town of Fox Lake without a permit issued by the Town of Fox Lake unless that person is exempted under this ordinance pursuant to Section (3).

#### k. Town Road Permit Ordinance

##### 1) Coverage

Every person, pursuant to Sec. 348.05, 348.06, 348.07, 348.08, 348.09, 348.10, 348.16, 348.17, 348.25, 348.26, 348.27 and 349.16 Wis. Stats., and this ordinance, in the Town of Fox Lake who operates on Town of Fox Lake roads any vehicle shall seek and obtain a weight permit from the Town of Fox Lake if such vehicle exceeds the maximum limitation of size, weight or projection of load by state law and this ordinance. Every person, pursuant to Sec. 66.045 and 56.07 Wis. Stats., and this ordinance, in the Town of Fox Lake who desires to make any obstruction, excavation or fill or install any culvert or make any alteration, including any Town road or disturb in any manner any Town of Fox Lake road or bridge or on any private property or public property beyond his or her lot line, shall seek and obtain a road permit from the Town of Fox Lake. The permit fees shall be established by the Town Board of the Town of Fox Lake. The

fees shall be established by the Town Board of the Town of Fox Lake prior to May 15<sup>th</sup>. The fees are as noted in Section 4(a). The permits shall be issued for time certain, but, pursuant to Sec. 66.045 Wis. Stats., no Town of Fox Lake Obstruction Permit shall be issued for more than three (3) months. The permits shall be issued by the Town Clerk/Treasurer of the Town of Fox Lake prior to any person commencing any travel on the roads established with weight limits or prior to any person commencing any obstruction, excavation or alteration in the Town of Fox Lake beyond the lot line of any person or within the Town of Fox Lake.

## 2) Application/Permit

The application and permit shall designate the premises and area permitted. The permits may not be amended if the permittee or area changes in the Town of Fox Lake except if the vehicle has been replaced pursuant to Sec. 348.27(3m) Wis. Stats.

The permits are not transferable from one person to another.

The application shall include:

- a) the name of the applicant
- b) the address of the applicant
- c) the residential and business telephone number of the applicant, if any
- d) the date of the application
- e) the date of the requested permit
- f) the premise and area requested for permit
- g) the description of the activity or project at the premises or area
- h) the projected time from commencement to termination of the activity or project at the premise or area
- i) the type and length of permit requested
  - 1. Town of Fox Lake Weight Limit Permit
  - 2. Town of Fox Lake Obstruction Permit
  - 3. Both
  - 4. Other Permits (Specific)
    - a. Over-wide Permit
    - b. Over-length Permit
    - c. Vehicle Train Permit
    - d. Projected Load
    - e. Single Trip
- j) the permit conditions established by the Town Board of the Town of Fox Lake, including insurance requirements, liability for damages, the bond amount, the restriction requirements and any other rules and regulations that are established pursuant to Sec.66.045 and 86.07 Wis. Stats., and this ordinance.

## 4) Ordinance/Permit

- a) The person subject to this ordinance shall comply with Sec. 66.045, 86.07, Chapters 348 and 349 Wis. Stats., and this ordinance.
- b) The Town Clerk/Treasurer of the Town of Fox Lake shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.
- c) The applicant and any other person subject to this ordinance shall comply as follows:

No person shall be issued or re-issued a road permit in the Town of Fox Lake until the appropriate fee has been paid to the Town Clerk/Treasurer of the Town of Fox Lake.

No person shall be issued or re-issued a road permit in the Town of Fox Lake until the person has agreed by signature to the conditions established by the permit.

No person shall be issued or re-issued a road permit in the Town of Fox Lake if the applicant or permittee:

- a) fails to allow physical access to the requested or permitted premises or area for inspection purposes upon forty-eight hours notice to the applicant or permittee
- b) fails to verify the weight limits, height, length or width of the vehicle claimed in the application or permit
- c) fails to restore, remove, repair or replace an alteration, excavation or obstruction on private or public property as required by the permit
- d) fails to follow the road routes as established by the permit
- e) fails to install, provide and maintain proper planning to prevent injury or damage to property or persons in the Town of Fox Lake
- f) fails to install, provide and maintain adequate physical structures, equipment and security personnel to control and prevent public nuisances, to prevent damage to persons or property and to protect public health and safety to persons and property residing near the premises or area, including but not limited to, public nuisance related to noise, dust, fires, explosions, water pollution, air pollution and erosion
- g) fails to install, provide and maintain adequate supervisory staff to respond to emergencies associated with the activity or project

#### 5) Other Provisions

The Town of Fox Lake prohibits in the Town of Fox Lake any obstruction, alteration or excavation by any person on lands within sixty (60) feet of a Town road without a permit from the Town of Fox Lake unless the person is exempt under Section (3).

### 1. Town of Fox Lake Mobile Tower Siting Permit Ordinance

#### Section 1: Title

This ordinance is entitled the Town of Fox Lake Mobile Tower Siting Permit Ordinance.

#### Section 2: Purpose

The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile services facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

#### Section 3: Authority

The Town Board has the specific authority under ss. 60.61 and 66.0404 Wis. Stats., to adopt and enforce this ordinance.

#### Section 4: Adoption of ordinance

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by zoning



permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile services facilities.

#### Section 5: Definitions

A. All definitions contained in s. 66.0404(1) are hereby incorporated by reference.

#### Section 6: Subdivision and number of this ordinance

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

#### Section 7: Siting and construction of any new mobile service support structure and facilities

##### A. Application process

1. A Town zoning permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the Town obtainable with this permit.

2. A written permit application must be completed by any applicant and submitted to the Town. The application must contain the following information:

- a. The name and business address of, and the contact individual for, the applicant.
- b. The location of the proposed or affected support structure.
- c. The location of the proposed mobile service facility.
- d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
- e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile support structure.
- f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the Town upon request to any applicant.

4. If an applicant submits to the Town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Town shall consider the application complete. If the Town does not believe that the

application is complete, the Town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of the its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 90-day period:

a. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

b. Make a final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

6. The Town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.

7. If an applicant provides the Town with an engineering certification showing that an mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.

8. The fee for the permit is as set by the Town Board.

9. A Town of Fox Lake Building Permit is required for any new construction.

## Section 8: Class 1 collocation

### A. Application process

1. A Town zoning permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the Town obtainable with this permit.

2. A written permit application must be completed by any applicant and submitted to the Town. The application must contain the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. The location of the proposed or affected support structure.

c. The location of the proposed mobile service facility.

d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies cabling, and related equipment to be place on or around the new mobile support

structure.

f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the Town upon request to any applicant.

4. If an applicant submits to the Town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Town shall consider the application complete. If the Town does not believe that the application is complete, the Town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of the its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 90-day period:

a. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

b. Make a final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

6. The Town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.

7. If an applicant provides the Town with an engineering certification showing that an mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.

8. The fee for the permit is as set by the Town Board

## Section 9: Class 2 collocation

### A. Application Process

1. A Town zoning permit is required for a class 2 collocation. A class 2 collocation is a conditional use in the Town obtainable with this permit.

2. A written permit application must be completed by any applicant and submitted to the Town. The application must contain the following information:

a. The name and business address of, and the contact individual for, the applicant.

- b. The location of the proposed or affected support structure.
  - c. The location of the proposed mobile service facility.
- 3. A permit application will be provided by the Town upon request to any applicant.
- 4. A class 2 collocation is subject to the same requirements for issuance of a building permit to which any other type of commercial development or land use development is subject. See Town of Fox Lake Zoning Ordinance.
- 5. If an applicant submits to the Town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Town shall consider the application complete. If any of the required information is not in the application, the Town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- 6. Within 45 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 45-day period:
  - a. Make a final decision whether to approve or disapprove the application.
  - b. Notify the applicant, in writing, of its final decision.
  - c. If the application is approved, issue the applicant the relevant permit.
  - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- 7. The fee for the permit is as set by the Town Board.

#### Section 10: Penalty provisions

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$25.00 nor more than \$500.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

#### Section 11: Severability

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

#### Section 12: Effective date

This ordinance is effective on the day following publication per s. 60.80. The Town clerk shall properly publish this ordinance as required per s. 60.80.

CHAPTER 9  
PUBLIC HEALTH/SANITATION

**A. PUBLIC HEALTH/SANITATION ORDINANCE**

**Section 1: Title/Purpose**

This ordinance is entitled the “Public Health/Sanitation Ordinance”. The purpose of this ordinance is to define those policies, procedures and practices which will promote public health and sanitation in the Town of Fox Lake.

**Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific authority, powers and duties, pursuant to Sec. 66.052 Wis. Stats., and Chapters 143, 144, 146 and 823 Wis. Stats., pursuant to the specific statutory sections noted in this ordinance and by adoption of village powers under Sec. 60.10 Wis. Stats., to regulate, control, prevent and enforce against in the Town of Fox Lake certain uses, activities, business and operations by persons that may affect public health and public sanitation in the Town of Fox Lake.

**Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established, by these sections and this ordinance, the regulation, control, prevention and enforcement against certain uses, activities, businesses and operations by persons that may affect public safety and public order within the Town of Fox Lake.

**Section 4: General Provisions**

No person shall cause, allow or permit any person to construct or permit any drain, pipe, sewer or other outlet to discharge into a public highway, road, alley or street any infectious or noxious matter in the Town of Fox Lake.

Any person owning, occupying or in charge of any public building in the Town of Fox Lake as a public building is defined in Sec. 101.01(2) Wis. Stats. shall keep the building clean and sanitary.

No person shall cause, allow or permit any person to discharge by any means untreated domestic sewage into surface water as defined in Sec. 144.01(5) Wis. Stats. or into any drainage ditch governed by Chapter 88 Wis. Stats., in the Town of Fox Lake.

No person shall cause, allow or permit to discharge effluent or pumpage by any means whatsoever from any septic tank, dry well, holding tank or cesspool into any surface water as defined in Sec. 144.01(5) Wis. Stats. or into any drainage ditch governed by Chapter 88 Wis. Stats., in the Town of Fox Lake.

No person shall cause, allow or permit any person to create a nuisance as defined in Sec. 146.14 Wis. Stats. in the Town of Fox Lake. The Town Board of the Town of Fox Lake shall order that person to comply with Sec. 146.14 Wis. Stats., and to abate or remove any such nuisance on private property and if the owner or occupant fails to comply, the Town Board or its designee may enter upon this property and abate and remove such nuisance.

No person shall cause, allow or permit any septage disposal in the Town of Fox Lake without complying with all state laws and regulations and any County of Dodge and Town of Fox Lake Ordinances.

No person shall cause, allow or permit any person to operate or maintain an animal food

processing or a rendering of dead animal operation in the Town of Fox Lake where the facilities are constructed or maintained within one-eighth (1/8) of a mile of a public highway, road, alley or street subject to the provisions of Sec. 95.72 Wis. Stats. No new or improved rendering or processing plant facilities on the existing premises in the Town of Fox Lake may be constructed or maintained in the Town of Fox Lake closer than one-eighth (1/8) of a mile of any public highway, road, alley or street. No person shall cause, allow or permit any person to operate or maintain a dead animal rendering plant or animal food processing plant or operation in the Town of Fox Lake, unless all operations are conducted to prevent, abate and remove the creation of any public nuisance.

No person shall cause, allow or permit any person to operate and maintain in the Town of Fox Lake a privy, septic tank, holding tank or cesspool after connection of any building used for human habitation to a sewer main.

The Town of Fox Lake, by Sec. 141.01(9) Wis. Stats., and by this ordinance, in order to prevent and limit communicable diseases, incorporates Chapter 143 Wis. Stats., and the state rules promulgated under that chapter by reference.

## CHAPTER 10 PUBLIC NUISANCE

### A. PUBLIC NUISANCE ORDINANCE

#### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Public Nuisance Ordinance”. The purpose of this ordinance is to define those policies, procedures and practices which may discourage public nuisances in the Town of Fox Lake.

#### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to Sec. 66.052 Wis. Stats., and Chapters 143, 144, 146 and 823 Wis. Stats., pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10 Wis. Stats., to regulate, control, prevent and enforce against in the Town of Fox Lake certain uses, activities, businesses and operations by persons that may cause a public nuisance in the Town of Fox Lake.

#### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance, regulations, controls and enforcement against certain uses, activities, businesses and operations by person that may cause a public nuisance in the Town of Fox Lake.

#### **Section 4: General Provisions**

No person shall cause, allow or permit any person to create any public nuisance areas on premises owned, leased or controlled by that person in the Town of Fox Lake. The following are specifically declared by the Town Board of the Town of Fox Lake to be public health nuisances. This declaration should not be construed to exclude other public nuisances affecting public health in the Town of Fox Lake.

- a. a rat harborage area where rats or other vermin can live and breed
- b. a waste accumulation area where waste amounts in excess of what is normally acceptable are allowed to accumulate without a proper waste management permit issued by the Town Board of the Town of Fox Lake.
- c. an unburied animal carcass area where a dead animal or dead animals are not buried in a sanitary manner within forty-eight (48) hours of death
- d. a stagnant water area where mosquitoes, flies and other insects are allowed to harborage
- e. a noxious weed area where these noxious weeds are allowed to exceed one (1) foot
- f. a noxious odor area where emissions of any noxious odors, foul odors, offensive odors, noisome odors, nauseous odors, gases or any stench repulsive to the senses of ordinary persons are allowed to continue to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Town of Fox Lake
- g. a well pollution area where pollution from the premises entering the groundwater has caused a private or public drinking water well on another property to become contaminated
- h. a surface water pollution area where pollution from the premises entering the surface water has caused a private or public drinking water well on another property or any river, stream, lake, ditch, canal or other body of water to become contaminated

- i. an air pollution area where emissions of smoke, soot, fumes, gases, ash, dust or other pollutants into the atmosphere repulsive to the senses of ordinary persons are allowed to continue to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Town of Fox Lake
- j. a human burial area where a human body or bodies are buried in the Town of Fox Lake outside of an established cemetery
- k. an unwholesome food area where unwholesome, contaminated or polluted food or drink is sold or served on the premises to persons in the Town of Fox Lake
- l. a dangerous building area where the building, structure, place or the electrical, heat or water supply is in a condition and location to cause a menace or danger to the public health of persons in the Town of Fox Lake.
- m. an improper sewage area where the effluent from the sewer, septic tank, holding tank or cesspool on the premises is in a condition and location to cause a menace or danger to public health of persons in the Town of Fox Lake
- n. a hazardous waste area where the discharge, disposal, storage or treatment of hazardous, nuclear or toxic waste are allowed to accumulate to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Town of Fox Lake
- o. a noxious material discharge area where the discharge, disposal, storage or treatment of noxious, filthy, decaying or nauseous materials repulsive to the senses of ordinary persons are allowed to continue to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Town of Fox Lake

No person shall cause, allow or permit any person to create any public nuisance areas on the premises owned, leased or controlled by that person in the Town of Fox Lake. The following are specifically declared by the Town Board of the Town of Fox Lake to be public safety nuisances. This declaration should not be construed to exclude other public nuisances affecting public safety in the Town of Fox Lake.

- a. an abandoned or wrecked motor vehicle area where motor vehicles, tractors, house trailers, railroad cars and other motorized vehicles are allowed to accumulate without a proper junkyard permit issued by the Town Board of the Town of Fox Lake
- b. a dilapidated building area where old or dilapidated buildings, structures and equipment are allowed to stand while they are dangerous, unsafe, unsanitary, inhabitable or otherwise unfit for human use and occupancy
- c. a dangerous tree area where trees and limbs are in a condition and location to cause a menace or danger to public safety to persons in the Town of Fox Lake
- d. an illegal building area where buildings were constructed, repaired, expanded or altered illegally in violation of any Town of Fox Lake or County of Dodge ordinances or state and federal laws and regulations in the Town of Fox Lake
- e. an improper structure area where signs, billboards, awnings and other structures are improperly, illegally or unsafely installed or maintained near public highways, roads, streets, sidewalks, parks, public buildings, public premises or other public places in a condition and location to cause a menace or danger to public safety to persons in the Town of Fox Lake
- f. a loud noise area where loud, discordant and unnecessary sounds of motor vehicles, animals or music repulsive to the senses of ordinary person are allowed to continue to the substantial annoyance or substantial discomfort of persons or injury to person or property in the Town of Fox Lake



- g. a low wire area where wires over public highways, roads, streets, alleys, parks, public building, public premises or other public places are installed or maintained within fifteen (15) feet above the ground in a condition or location to cause a menace or danger to public safety of persons in the Town of Fox Lake
- h. an unauthorized traffic sign area where unauthorized signs, signals, marking or other sign devices are installed or maintained near a public highway, road, street, alley or railroad crossing and which they purport to be or can be mistaken for an official sign or other traffic control device or which because of their location, color, manner of operation or structure they will interfere with any official traffic control device in the Town of Fox Lake
- i. an obstruction area where structures, hedges, trees, weeds, signs, billboards, buildings or equipment are installed or maintained near a public highway, road, street, alley or railroad crossing and due to the condition and location block a clean view of traffic that causes a menace or danger to public safety of persons in the Town of Fox Lake

To prevent a public nuisance, no person in the Town of Fox Lake shall cause, allow or permit any person to keep on premises owned, leased or controlled by that person any deleterious or septic material, unless the material is kept in proper containers which will prevent access to humans, flies, insects, vermin and other animals.

No person in the Town of Fox Lake shall cause, allow or permit any person to maintain a nuisance on premises owned, leased or controlled by that person where the nuisance causes substantial diminution of the value of properties of others in the neighborhood wherein which the premises is located.

To prevent a public nuisance, no person in the Town of Fox Lake shall cause, allow or permit any person to allow the premises owned, leased or controlled by that person to become dangerous, unsafe, unsanitary, foul, a fire menace or public hazard by:

- a. allowing illegal, offensive or unsafe vegetation to grow on the premises
- b. allowing bees to swarm on the premises
- c. allowing trash, debris, old lumber, furniture, freezers, stoves, refrigerators, junk motor vehicles or waste to accumulate in unsheltered areas on the premises for more than thirty (30) consecutive days in any calendar year
- d. allowing refuse and other wastes to be disposed at commercial or industrial property except in permitted containers or in permitted facilities
- e. allowing explosives on the premises without approval of the Town Board of the Town of Fox Lake
- g. allowing unauthorized disposal, storage, treatment or recycling of waste on the premises without the appropriate approvals from the State of Wisconsin, the Town of Fox Lake and the County of Dodge
- h. allowing combustible rubbish, paper, oily rags, petroleum products or other highly flammable materials to be improperly secured and/or improperly stored in any building on the premises
- i. allowing waste to be disposed, stored, treated or recycled in or below a house, wharf, pier, mobile home or other building on the premises for more than fifteen (15) consecutive days in any calendar year without approval of the Town Board of the Town of Fox Lake
- j. allowing any motor vehicle to be abandoned on any public highway, road, street or alley for more than two (2) consecutive days in any calendar year

- k. allowing domestic animals (dangerous or otherwise) to run at large on the premises wherein they can access property of another to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Town of Fox Lake.

CHAPTER 11  
PUBLIC SAFETY/PUBLIC ORDER

**Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Public Safety/Public Order Ordinance”. The purpose of this ordinance is to define those policies, procedures and practices aimed at promoting public safety and public order within the Town of Fox Lake.

**Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10 Wis. Stats., to regulate, control, prevent and enforce against in the Town of Fox Lake certain uses, activities, businesses and operations by persons that may affect public safety and public order in the Town of Fox Lake.

**Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance the regulations, controls and enforcement against certain uses, activities, businesses and operations by persons that may affect the public safety and public order in the Town of Fox Lake.

**Section 4: General Provisions**

No person shall commit the following offenses in the Town of Fox Lake (herein noted as Town of Fox Lake violations) that are hereby adopted by reference in this chapter. The prosecution of such offenses under this ordinance shall be as provided in Sec. 60.23 and 66.051 Wis. Stats., and the below noted sections.

Chapter 940 Wis. Stats.

940.19 Battery, substantial Battery, aggravated battery

Chapter 942 Wis. Stats.

942.01 Defamation

942.03 Giving false information for publication

942.04 Denial of rights

942.05 Opening Letters

942.06 Use of polygraphs and similar tests

Chapter 943 Wis. Stats.

943.01 Criminal damage to property

943.02 Arson of buildings, damage of property by explosives

943.03 Arson of property other than building

943.04 Arson with intent to defraud

943.05 Placing of combustible materials an attempt

943.06 Molotov cocktails

943.065 Injury caused by arson, treble damages

943.07 Criminal damage to railroads

943.10 Burglary

943.11 Entry into locked vehicles

943.12 Possession of burglarious tool

- 943.125 Entry into locked coin box
- 943.13 Criminal trespass to land
- 943.14 Criminal trespass to dwellings
- 943.15 Entry onto a construction site or into a locked building, dwelling or room
- 943.20 Theft
- 943.205 Theft of trade secrets
- 943.207 Transfer or recorded sounds for unlawful use, sale
- 943.21 Fraud on hotel or restaurant keeper
- 943.22 Use of cheating tokens
- 943.23 Operating a vehicle without owner's consent
- 943.24 Issue of worthless check
- 943.25 Transfer or encumbered property
- 943.26 Removing or damaging encumbered real property
- 943.27 Possession of records of certain usurious loans
- 943.28 Loan sharking prohibited
- 943.30 Threats to injure or accuse of crime
- 943.31 Threats to communicate derogatory information
- 943.32 Robbery
- 943.34 Receiving stolen property
- 943.35 Receiving property from children
- 943.37 Alteration of property identification marks
- 943.38 Forgery
- 943.39 Fraudulent writings
- 943.395 Fraudulent insurance and employee benefit program claims
- 943.40 Fraudulent destruction of certain writings
- 943.41 Credit card crimes
- 943.45 Obtaining telecommunications service by fraud
- 943.50 Shoplifting
- 943.55 Removal of shopping cart
- 943.60 Criminal slander of title
- 943.61 Theft of library material
- 943.62 Unlawful receipt of payments to obtain loan for another

Chapter 944 Wis. Stats.

- 944.05 Bigamy
- 944.05 Incest
- 944.15 Fornication
- 944.16 Adultery
- 944.17 Sexual gratification
- 944.20 Lewd and lascivious behavior
- 944.23 Making lewd, obscene or indecent drawings
- 944.30 Prostitution
- 944.31 Patronizing prostitutes
- 944.32 Soliciting prostitutes
- 944.33 Pandering
- 944.34 Keeping place of prostitution
- 944.36 Solicitation of drinks

Chapter 945, (2003-04) Wis. Stats.

- 945.02 Gambling
- 945.02 Commercial gambling
- 945.05 Dealing in gambling devices
- 945.07 Gambling by participants in contests
- 945.08 Bribery of participant in contest
- 945.09 Commercial printing
- 945.12 Endless sales chains

Chapter 946 Wis. Stats.

- 946.01 Treason
- 946.02 Sabotage
- 946.03 Sedition
- 946.05 Flag desecration
- 946.06 Improper use of the flag
- 946.10 Bribery of public officers and employees
- 946.11 Special privileges from public utilities
- 946.12 Misconduct in public office
- 946.13 Private interest in public contract
- 946.14 Purchasing claims at less than full value
- 946.15 Public construction contracts at less than full rate
- 946.16 Judicial officer collecting claims
- 946.17 Corrupt means to influence legislation, disclosure of interest
- 946.31 Perjury
- 946.32 False swearing
- 946.40 Refusing to aid an officer
- 946.41 Resisting or obstructing an officer
- 946.42 Escaping
- 946.43 Assaults by prisoners
- 946.44 Assisting or permitting an escape
- 946.45 Negligently allowing an escape
- 946.47 Harboring or aiding felons
- 946.48 Kidnapped or missing persons, false information
- 946.49 Bail jumping
- 946.60 Bribery of witnesses
- 946.62 Concealing identity
- 946.63 Concealing death of child
- 946.64 Communicating with jurors
- 946.65 Obstructing justice
- 946.67 Compounding crime
- 946.68 Simulating legal process
- 946.69 Falsely assuming to act as public officer or employee
- 946.70 Impersonating peace officers
- 946.716 Unauthorized placement for adoption
- 946.72 Tampering with public records and notices
- 946.73 Violating laws governing state or county institutions
- 946.74 Aiding escapee from mental institution
- 946.75 Denial of right of counsel
- 946.76 Search warrant, premature disclosure

Chapter 947 Wis. Stats.

- 947.01 Disorderly conduct
- 947.012 Unlawful use of telephone
- 947.013 Harassment
- 947.015 Bomb scares
- 947.02 Vagrancy
- 947.04 Drinking in common carriers
- 947.047 Metal or glass debris in or on the shore of any body of water
- 947.06 Unlawful assemblies and their suppression
- 947.16 Contributing to truancy

Chapter 948 Wis. Stats.

- 948.01 Definitions
- 948.015 Other offenses against children
- 948.02 Sexual assault of a child
- 948.03 Physical abuse of a child
- 948.04 Causing emotional harm to a child
- 948.05 Sexual exploitation of a child
- 948.06 Incest with a child
- 948.07 Child enticement
- 948.08 Soliciting a child for prostitution
- 948.09 Sexual intercourse with a child age 16 or older
- 948.10 Exposing a sex organ
- 948.11 Exposing a child to harmful material
- 948.12 Possession of child pornography
- 948.20 Abandonment of a child
- 948.21 Neglecting a child
- 948.22 Failure to support
- 948.23 Concealing death of child
- 948.24 Unauthorized placement for adoption
- 948.30 Abduction of another's child; constructive custody
- 948.31 Interference with custody by parent or other
- 948.40 Contributing to the delinquency of a child
- 948.50 Strip search by school employee
- 948.51 Hazing
- 948.60 Possession of a dangerous weapon by a child
- 948.61 Dangerous weapons on school premises
- 948.62 Receiving stolen property from a child
- 948.63 Receiving property from a child

Chapter 961 Wis. Stats.

- 961.41(3g)(e) Person possessing 25 grams or less Tetrahydrocannabinols(1<sup>st</sup> offense)
- 961.573 Possession of drug paraphernalia

No person shall use, possess, manufacture or deliver to an adult or minor in the Town of Fox Lake any drug paraphernalia in violation of Sec. 161.573(2), 161.574(2) and 161.575(2) Wis. Stats., herein incorporated by reference.

No person shall loiter or loaf about any public building, public place or any other public premises or wander about the sidewalks, parks, public highways, roads, street or alleys in the Town of Fox Lake at night or during the day.

No person under the age of sixteen (16) shall loiter or loaf between 11:00 p.m. and 6:00 a.m. about any public building, public place or any other public premises or wander about the public sidewalks, parks, public highways, roads, streets or alleys in the Town of Fox Lake except for the following persons:

- a. minor paper carriers sixteen (16) years of age or younger
- b. minors sixteen (16) years of age or younger accompanied by parent, guardian or by an adult person having the care and custody of the minor
- c. minors sixteen (16) years of age or younger on emergency errands directed by parent, guarding or an adult person having care and custody of the minor

No person legally responsible for such minor in the Town of Fox Lake shall permit such minor to unlawfully loiter in the manner prescribed by this ordinance during the hours prescribed by this ordinance. No adult person shall cause, permit or allow a minor sixteen (16) years of age or younger to enter or remain in any public building, public place or public premises in violation of this ordinance.

Any minor sixteen (16) years of age or younger in the Town of Fox Lake violating this ordinance shall be deemed a delinquent child or a neglected child under Chapter 48 Wis. Stats.

No person shall cause, permit or allow any person in the Town of Fox Lake to intentionally damage any physical property owned or leased by the Town of Fox Lake. This damage may include but is not limited to the erection, poster, painting or maintaining of signs, posters, pictures or drawings on any curbs, bridges, equipment, fixtures, trees, window, sidewalks, public highways, road, streets, alleys, culverts, fences, walls, posts, lamps, poles or any buildings or materials of any type in the Town of Fox Lake owned or leased by the Town of Fox Lake.

No person shall cause, allow or permit any person in the Town of Fox Lake to maintain on land owned by that person in the Town of Fox Lake the following:

- a. open cisterns
- b. open holding tanks
- c. open wells
- d. open cesspools
- e. unused uncovered basements
- f. unenclosed excavations
- g. dangerous openings into caves or tunnels

All such physical structures and places shall be properly filled, tightly enclosed, properly covered or fully and securely fenced in such a manner to prevent injury to persons. Any cover, enclosure or fence shall be designed, constructed and maintained to prevent small children from accessing the structure or place.

No person shall cause, allow or permit any person in the Town of Fox Lake to maintain outside any habited building or structure or inside any uninhabited building or structure in a location accessible to small children, any abandoned, any unattended or discarded ice box, refrigerator, deep freezer or other container or equipment which has an air tight door or lid which may not be released from the inside without removing the door or lid or removing the lock from such container or equipment unless the person securely locks or fastens the door to prevent access by

small children.

No person shall cause, allow or permit any person in the Town of Fox Lake to burn or continue to burn any waste in the Town of Fox Lake upon oral or written notice from the Town Chairperson to cease and desist from further burning until notified that burning may continue.

No person shall appear in any public building, public place or in any indecent or lewd dress or shall make any indecent exposure of his or her person.

No person shall cause, allow or permit any person to operate or maintain a motor bike, motor cycle, mini-bike, ATV, go-cart, trail bike or snowmobile in the Town of Fox Lake:

- a. at unreasonable speeds for conditions
- b. in a careless way that endangers persons or property
- c. while under the influence of drugs or alcoholic beverages
- d. without functional headlights
- e. without a functional muffler

No person shall cause, allow or permit any excavation in the Town of Fox Lake, for any building purpose or other purpose, to be left open beyond two (2) months from the commencement of excavation without the person owning the property proceeding to complete the construction of the building or without the person owning the property proceeding to fill the excavation to grade. This provision shall not apply to any metallic or non-metallic mining operations where a permit for mining has been issued by the Town Board of the Town of Fox Lake. If the person, after receipt of notice to comply with the ordinance, fails to comply with this ordinance, the Town Board may order the excavation to be filled by the person within thirty (30) days after receipt by the person of the by order. If the excavation is not then filled to the satisfaction of the Town Board, the Town Board may fill the excavation to grade and may then charge the cost to fill the excavation to the person against the real property of that person as a special tax.

The Town Board of the Town of Fox Lake establishes the following fire safety regulations for the Town of Fox Lake:

- a. The Town Board of the Town of Fox Lake, or its designee, may, at anytime, for purposes of preventing, detecting and suppressing fire and fire related hazards in the Town of Fox Lake, enter the property of any person in the Town of Fox Lake at reasonable times upon reasonable notice. However, in an emergency at or near the property of any person in the Town of Fox Lake, the Town Board or its designee may enter the property of such person without notice and at anytime.
- b. No person shall cause, allow or permit any person to light or maintain a fire in the Town of Fox Lake in close proximity to any building, structure, equipment or flammable material unless the specific and lawful purpose of the fire is to burn the building, structure, equipment or flammable material.
- c. No open burning of leaves or vegetation will occur unless the fire is attended by a competent adult person. No open burning of leaves or vegetation shall occur at anytime if the Town Board of the Town of Fox Lake prohibits such burning by order.
- d. No person shall cause, allow or permit any person to operate or maintain any motel, hotel, bed and breakfast, lodging house business or rooming house business of any type in the Town of Fox Lake unless each guest room, suite or sleeping area shall have at least one (1) operational smoke detector and at least one (1) smoke detector in the hallway in compliance with the National Fire Protection Association Standard 72E.



- e. No person shall cause, allow or permit the storage of fireworks or explosives in the Town of Fox Lake without a permit issued by the Town Board of the Town of Fox Lake.
- f. No person shall cause, allow or permit the storage of explosives, petroleum, gasoline, kerosene, chemicals, ashes, hazardous waste or other highly flammable material in an improper or unsafe arrangement or in a manner to cause danger to persons or property in the Town of Fox Lake.
- g. The Town Board of the Town of Fox Lake or its designee, with or without any oral or written complaint, may enter, without notice, any building or structure in the Town of Fox Lake for purposes of investigation or examination of potential fire hazards in any building or structure. Upon finding any of the following fire hazards, the Town Board shall, by written order, direct these fire hazards to be removed or remedied within thirty (30) days of receipt of this order.

The fire hazards are:

- 1) the building, due to age, repair, maintenance, structure or condition is a fire hazard
  - 2) the improper or dangerous arrangement of stoves, ranges, fireplaces, furnaces, incinerators or other heating equipment, along with the chimneys, flues, pipes and other attachments is a fire hazard
  - 3) the improper or dangerous storage of volatile or flammable materials is a fire hazard
- h. No person shall cause, allow or permit any person to manufacture, store or transport any hazardous material in the Town of Fox Lake in an improper manner or with an improper method to constitute a fire hazard or to cause a menace or danger to the public safety of persons or property in the Town of Fox Lake.
- i. No person shall cause, allow or permit any person to operate or maintain in the Town of Fox Lake any of the following without a permit issued by the Town Board of the Town of Fox Lake:
  - 1) an above ground petroleum storage facility in excess of five hundred (500) gallons
  - 2) an above ground flammable compressed gas storage facility in excess of five hundred (500) gallons
- j. If the Town Chair of the Town of Fox Lake, or his or her designee, determines a dangerous condition exists, he or she may take all necessary and appropriate actions and prescribe all necessary and appropriate restrictions on persons and property in the Town of Fox Lake to protect persons and property in the Town of Fox Lake until the dangerous condition is eliminated.
- k. No person shall negligently cause, allow or permit any person to create any fire hazard in the Town of Fox Lake. No person shall negligently cause, allow or permit any person to create any uncontrolled fire in the Town of Fox Lake.
- l. No person shall cause, allow or permit any person to interfere with any firefighter or fire in the Town of Fox Lake.

- m. No person shall fail to report seeing a fire in the Town of Fox Lake where the fire is out of control unless the person knows that someone else has reported the fire to the local fire department.
- n. No person shall cause, allow or permit any person to create a public nuisance in the Town of Fox Lake by that person maintaining or allowing the maintenance of a fire hazard in the Town of Fox Lake.
- o. The Town Board of the Town of Fox Lake establishes the following regulations for free-standing, fuel-burning, heat-producing equipment.

Free-standing, fuel-burning, heat-producing equipment is a device or devices which are not fully enclosed within a structure and which, through the combustion of wood, coal, fuel oil, kerosene, pellets, or other combustible material, are designed to heat water for, or otherwise provide a heat source to a structure. This term does not include fixed or portable electric generators or portable kerosene heaters.

No person shall operate in the Town, any free-standing, fuel-burning, heat-producing equipment not enclosed in a structure, which is designed to provide hot water or a heat source for a structure on the property unless the following conditions are met:

- 1. The free-standing, fuel-burning, heat-producing equipment shall not reside within 15 feet (fifteen feet) of any other permanent structure and the fuel to be used within such equipment shall not be stored in the 15 feet between the equipment and any other permanent structure.
- 2. The free-standing, fuel-burning, heat-producing equipment shall be equipped with a stack that is at least 3 feet (three feet) above the highest point of the nearest building.
- 3. All free-standing, fuel-burning, heat-producing equipment must comply with existing EPA regulations governing such appliances.
- 4. All free-standing, fuel-burning, heat-producing applications must comply with other wood burning ordinances which are in force, and no solid waste including railroad ties, train trestle wood, roofing material, paper, cardboard and garbage will be burned in the appliance.
- 5. A Building Permit shall be required for all free-standing, fuel-burning, heat-producing appliances.

No person shall cause, allow or permit any person to take the below noted actions or conduct the below noted events in the Town of Fox Lake on the public highways, roads, streets or alleys in the Town of Fox Lake without a permit issued by the Town Board of the Town of Fox Lake. The acts and event are the following:

- a. any parade, dance or motorcade, except funeral procession, where traffic may be delayed or rerouted
- b. any house, building or structure moving or wrecking on any public highway, road, street or alley
- c. any party, festival, carnival, event or amusement activity where the party, festival, carnival, event or amusement activity is to be temporarily located all or in part on a public highway, road, street or alley

The Town Board or its designee shall inspect the premises prior to the issuance or re-issuance of

the permit. No permit shall be issued or re-issued by the Town Board until the Town Board or its designee has inspected the premises.

The Town Board of the Town of Fox Lake may issue the permit upon conditions to be complied with by the applicant. The Town Board of the Town of Fox Lake may establish a cash or surety bond to insure compliance with the conditions.

The Town Board of the Town of Fox Lake, by this ordinance, establishes a police department in the Town of Fox Lake. The police department shall be organized as follows:

- a. The Town of Fox Lake police department shall consist of such full and/or part-time police officers as the Town Board of the Town of Fox Lake may designate.
- b. The salary, equipping, housing and maintenance shall be established by the Town Board of the Town of Fox Lake.
- c. The members shall be hired, suspended, reduced and removed in compliance with Sec. 60.56 Wis. Stats.
- d. All police department applicants shall be required to have a physical examination prior to their employment with the Town of Fox Lake and shall take the oath of office prior to assuming the duties of police officers.
- e. The police officers shall:
  1. possess the powers conferred on marshals and constables by law, shall preserve the public peace and shall enforce the laws and ordinances of the Town of Fox Lake and the State of Wisconsin subject to the orders, rules and regulations of the Town Chairman and the Town Board of the Town of Fox Lake;
  2. arrest all persons in the Town of Fox Lake found in the act of violating any law or ordinance of the Town of Fox Lake or the State of Wisconsin or aiding or abetting in such violation and they shall arrest without warrant all persons who 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;
  3. report all street obstructions, unlighted street lamps, unlawful street signs or signals and defective or dangerous streets to the Town Board of the Town of Fox Lake;
  4. whenever necessary, assist the fire department in maintaining order at the scene of a fire; and
  5. ensure that the necessary permits and licenses issued by the town of Fox Lake or the State of Wisconsin are in possession of or are properly displayed by any person engaged in an activity or business within the Town of Fox Lake for which a permit or license is required and that the terms of such license or permit are complied with.
- f. Pursuant to Sec. 66.305 Wis. Stats., and policies established by the Town Board of the Town of Fox Lake, police officers may respond to requests for police personnel from other governmental entities and may request said jurisdiction to provide police personnel to the Town of Fox Lake.
- g. No person shall cause, allow or permit any person to fail to aid and assist a Town of Fox Lake police officer in the execution of his or her official duties when aid is requested by that police officer.

- h. No person shall cause, allow or permit any person to resist or interfere with any Town of Fox Lake police officer in the execution of his or her official duties when aid is requested by the police officer.
- i. No person shall cause, allow or permit any person to resist or interfere with any Town of Fox Lake police officer in the execution of his or her official duties.

CHAPTER 12  
PUBLIC WORKS/INFRASTRUCTURE

A. PUBLIC WORKS/INFRASTRUCTURE

**Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Public Works/Infrastructure Ordinance”. The purpose of this ordinance is to define those policies, practices and procedures necessary to maintain and manage the public roadways, public property and other infrastructures deemed necessary within the Town of Fox Lake.

**Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10 Wis. Stats., to regulate, control, prevent and enforce against in the Town of Fox Lake certain uses, activities, businesses and operations by persons that may affect the public works and infrastructure in the Town of Fox Lake.

**Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance the regulations, controls and enforcement against certain uses, activities, businesses and operations by persons that may affect the public works and infrastructure in the Town of Fox Lake.

**Section 4: General Provisions**

The Town roads in the Town of Fox Lake shall be designed and constructed to at least meet the minimum road and bridge standards established in Sec. 86.26 and 86.27 Wis. Stats. Further, that before any streets or roads may be accepted by the Town Board of the Town of Fox Lake, all such streets or roads laid out in the unincorporated areas and/or subdivisions in the Town of Fox Lake must meet the following minimum standards and specifications for rural streets and/or roads and all costs and expenses of such rural streets and/or roads are to be paid by the owner or sub divider of the property to be served by such rural streets and/or roads.

1. All rural section streets shall have a minimum of sixty-six (66) feet in width including entire road right-of-way.
2. The center of the roadbed is to be the center of the land dedicated for highway purposes.
3. All top soil or other undesirable material in the roadbed shall be removed before the application of gravel.
4. All streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of sixty (60) feet.
5. Streets shall be surfaced with six (6) inches of one and one-half (1.5) inches of stone granular sub base and seven (7) inches of crushed aggregate course base. If additional gravel is required, it shall be furnished and applied to the satisfaction of the Town Board of the Town of Fox Lake.
6. A satisfactory dust palliative must be applied immediately after leveling of gravel.
7. The paved or traveled portion of all streets and/or roads must be hot mixed or asphalt

applied within one year from the starting date of road construction and be minimum of twenty-two (22) feet in width with a thickness of at least two and one-half (2.5) inches.

8. Cut and fill slopes should have salvage top soil to a depth of three (3) inches and be seeded with a mixture acceptable to the Town Board of the Town of Fox Lake.

No person shall cause, allow or permit any person to obstruct or excavate beyond the lot line of that person's land or within any public highway, road, street or alley in the Town of Fox Lake without a permit issued by the Town Board of the Town of Fox Lake or its designee. The persons applying for the permit shall comply fully with Sec. 66.045 and 86.07 Wis. Stats., and this ordinance. No permit shall be issued or re-issued by the Town Board unless the person agrees to and does fully comply with Sec. 66.045 and 86.07 Wis. Stats., and this ordinance. The Town Board or its designee shall inspect the premises prior to issuance or re-issuance of the permit.

No person shall cause, allow or permit any person to install a culvert within any road right-of-way in the Town of Fox Lake without a permit issued by the Town Board of the Town of Fox Lake or its designee.

No persons shall cause, allow or permit any person to fail to immediately remove fallen trees from any public highway, road, street or alley in the Town of Fox Lake where these trees originated from property owned or leased by that person.

No person shall cause, allow or permit any person to throw, deposit or discharge any weeds, sod, brush, manure or other waste or rubbish on any public highways, roads, streets or alleys in the Town of Fox Lake. No person shall cause, allow or permit any persons to draw, paint, print or paste on any culvert, bridge or guardrail on any public highway, roadway, street or alley in the Town of Fox Lake.

No person shall cause, allow or permit any person to move oversized or overweight vehicles or loads on any public highway, road, street or alley in the Town of Fox Lake without a permit issued by the Town Board of the Town of Fox Lake or its designee. The person applying for the permit shall fully comply with Sec. 348.25, 348.26, 348.27 and 348.28 Wis. Stats. and this ordinance. No permit shall be issued or re-issued by the Town Board or its designee unless the person agrees to and does fully comply with Sec. 348.25, 348.26, 348.27 and 348.28 Wis. Stats., and this ordinance, where applicable, and with any reasonable conditions established by the Town Board or its designee. The Town Board or its designee may suspend or revoke, for good cause; any permit issued on these sections or may decline to issue additional permits after providing the applicant or permittee with a reasonable opportunity for a public hearing. The Town Board or its designee may, as a condition of issuing a permit, require a bond, certificate of insurance or cashiers check which, to the satisfaction of the Town Board or its designee, will save the Town of Fox Lake from any claim, loss or damage that may result from issuing the permit. In addition, the Town Board or its designee may require proof that personal injury and property damage insurance will be in force, sufficient to the satisfaction of the Town Board or its designee, to cover claims from bodily injury or property damage which may occur as a result of the operation under the permit and for which the permittee is legally responsible.

The following are regulations established by the Town Board of the Town of Fox Lake to regulate snowmobiles on the roadways in the Town of Fox Lake:

1. Persons residing in or staying at a lodging establishment within the Town of Fox Lake may operate a snowmobile on a roadway or shoulder of a highway not designated as a snowmobile route for the shortest distance that is necessary to reach the snowmobile trail or route that is closest to that residence or lodging establishment.

2. Snowmobiles shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
3. Snowmobiles are to be operated in single file.
4. Headlights shall be on at all times.
5. Snowmobile operators shall yield the right-of-way to other vehicular traffic and pedestrians.

Snowmobiles violating any of the above conditions would be subject to the underlying violation of operating on the roadway.

No person shall drive any snowmobile in violation of Chapter 350 Wis. Stats., or this ordinance. This ordinance, pursuant to Sec. 350.47, (2003-04) Wis. Stats., has been filed with the State Department of Natural Resources, the Town of Fox Lake law enforcement office and the County of Dodge traffic office.

No person shall cause, allow or permit any person to transport any solid waste, hazardous waste or any other type of waste to any solid waste disposal site or facility licensed under Sec. 144.44 Wis. Stats., on any Town roads in the Town of Fox Lake except for those Town roads the Town Board has designated which provides reasonable access to the site or facility. The Town Board, prior to construction of any solid waste disposal site or facility shall designate the Town roads which will provide access to the site or facility. Upon designation, by ordinance, no other Town roads in the Town of Fox Lake may be used by any person for transporting any waste to and from the site or facility.

No person shall cause, allow or permit any person to fish or swim from the following bridges or causeways in the Town of Fox Lake:

None as of is revision

The Town Board or its designee shall post the appropriate notice of this prohibition at or near every bridge or causeway subject to this ordinance.

The Town Board of the Town of Fox Lake, pursuant to Sec. 349.085 Wis. Stats., and this ordinance, designates that official stop signs shall be installed by the Town of Fox Lake at certain public traveled railroad grade crossings on Town of Fox Lake roads in the Town of Fox Lake. These crossings are as follows:

Spring Road, Breezy Point Road and Inlet Road

No person shall cause, allow or permit any person to alter the grade of any public highway, road, street or alley in the Town of Fox Lake without written approval by the Town Board of the Town of Fox Lake.

No person shall cause, allow or permit any person to plant any tree or cut any tree on the public highways, roadways, streets or alleys in the Town of Fox Lake without a permit from the Town Board of the Town of Fox Lake. No permit shall be issued or re-issued by the Town Board to plant any tree if the planting and location of the tree will substantially impair, now or in the future, the public safety of persons in the Town of Fox Lake.

No permit will be issued or re-issued by the Town Board to cut any tree if the cutting and removal of the tree, with the safety precautions to be taken, as described by the applicant or permittee, will still substantially impair, now or in the future, the public safety of persons in the Town of Fox Lake or if the cutting and removal of the tree will substantially destroy the aesthetic beauty in the Town of Fox Lake.

The Town Board of the Town of Fox Lake, by this ordinance, designates the following roads in the Town of Fox Lake as "Class B" roads:

Point Road  
Pleasant Road  
Lake Emily Road  
Spring Road  
N Parish Road

These roads shall be subject to weight limitations pursuant to Sec. 348.16 Wis. Stats.



## **B. CEMETERY ORDINANCE**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Cemetery Ordinance”. The purpose of this ordinance is to define those policies, procedures and practices to be utilized in the maintenance and operation of cemeteries under the control of the Town of Fox Lake.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to Sec. 157.50 Wis. Stats., and/or its adoption of village powers under Sec.60.10 Wis. Stats., to acquire and convey by gift, purchase or condemnation of land for cemeteries within or without the boundaries of the Town of Fox Lake and to determine, upon any acquisition, by ordinance, the system of management and operation of the cemetery, including appropriations for cemetery improvements.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the statutory authority, powers and duties noted in Chapters 60 and 157 Wis. Stats., and has established, pursuant to these chapters and this ordinance, those powers and duties of the Town Board of the Town of Fox Lake to manage and operate certain cemeteries located in the Town of Fox Lake.

### **Section 4: Management and Operations**

The Town Board of the Town of Fox Lake, by this ordinance, establishes that the management and operation of the cemeteries, known as the Brave Road Cemetery and the Lake Emily Cemetery will be with the Town Board of the Town of Fox Lake. The Town Board of the Town of Fox Lake shall provide the management, control, operation and care for the Town of Fox Lake cemeteries. The Town Board of the Town of Fox Lake shall employ or retain persons to maintain the cemeteries. The Town Chair of the Town of Fox Lake or his or her designee shall be the person primarily in charge of the daily cemetery operations.

### **Section 5: Regulations**

The Town Board of the Town of Fox Lake shall develop, approve and enforce written regulations respecting any Town of Fox Lake cemetery operation in compliance with Chapter 157 Wis. Stats., including any physical management and any fiscal management requirements. These regulations will be in the possession of the Town Clerk/Treasurer.

### **Section 6: Conveyances and Contracts**

The Town Chair and the Town Clerk/Treasurer of the Town of Fox Lake shall sign all conveyances for cemetery lots. The Town Clerk/Treasurer shall be responsible to maintain the cemetery books detailing the names of the grantee, the consideration and the residence of the grantee. The Town Board of the Town of Fox Lake may sell all personal property associated with the cemeteries and all land not used for cemetery purposes are subject to the restrictions in Chapter 157 Wis. Stats. The Town Board of the Town of Fox Lake may lease the cemeteries to a cemetery association for preservation and may contract with the association (or associations) to use cemetery funds. These leases and contracts will terminate at will by the Town Board of the Town of Fox Lake. The Town Board of the Town of Fox Lake shall annually or more often, if necessary, establish the proper charges for cemetery lot purchases and the proper charges of the perpetual care maintenance costs.

**Section 7: Improvements**

The Town meeting may authorize the Town Board of the Town of Fox Lake to appropriate up to five hundred dollars (\$500.00) in any year for the improvement of the Town of Fox Lake cemeteries, if the cemeteries are under the supervision of the Town Board of the Town of Fox Lake.

**Section 8: Investments**

The Town Board of the Town of Fox Lake shall invest any money received for perpetual care as provided in Chapter 881 Wis. Stats. The Town Board of the Town of Fox Lake has the right, at anytime, to terminate the perpetual care fund and place the money in the general fund if the Town of Fox Lake owns the cemetery and provides all maintenance expenses in providing for grave sites in the cemetery at time of termination of the fund.

**Section 9: Plat Approval**

The Town Board of the Town of Fox Lake shall, by resolution, approve, to its satisfaction, all cemetery plats or maps for burial lands in the Town of Fox Lake. The Town Clerk/Treasurer of the Town of Fox Lake, upon approval by the Town Board of the Town of Fox Lake, shall certify the resolution and affix it to the plat or map.

**Section 10: Transfer to Town**

The Town Board of the Town of Fox Lake may, by resolution, accept, by transfer, the real estate, funds and personal property of any cemetery association in the Town of Fox Lake.

## C. OFFICIAL TOWN MAP AND TOWN ROAD NAMES ORDINANCE

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Official Town Map and Town Road Names Ordinance”. The purpose of this ordinance is to record an official town map and official names of the roads of the Town of Fox Lake.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to Sec. 60.22, 60.23, and 60.33 Wis. Stats., to order the Town Clerk/Treasurer of the Town of Fox Lake to develop an official Town map and to then approve the official Town map, including the official Town road names.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by the adoption of this ordinance, confirmed this statutory authority, powers and duties noted above in Chapter 60 Wis. Stats., and has pursuant to this chapter and this ordinance established the powers and duties of the Town Board of the Town of Fox Lake to create an official Town map and to create the official Town roads in the Town of Fox Lake.

### **Section 4: Official Town Map Adoption**

The Town Board of the Town of Fox Lake may, by resolution and order, require the Town Clerk/Treasurer of the Town of Fox Lake, or his or her designee, to create an official Town map of the Town of Fox Lake. This official Town map shall be initially approved by resolution of the Town Board of the Town of Fox Lake and any modifications or amendments to the Town map shall be approved by the Town Board of the Town of Fox Lake. The Town Clerk/Treasurer of the Town of Fox Lake shall carefully keep, properly maintain and shall timely modify and amend the official Town map after the approval, by resolution, of any modifications or amendments by the Town Board of the Town of Fox Lake. Town road names appearing on the official Town map shall be the official Town road names. The Town Board of the Town of Fox Lake, by this ordinance, assigns the names to the roads as noted in the official Town map. Any modifications and amendments to the official Town map shall be timely made by the Town Board of the Town of Fox Lake to coincide with street name changes, annexations, plat approvals, road and alley changes, incorporation, sewer installations, water installations, public transit installations, utility installations, septic tank installations, changes in zoning districts, changes in drainage districts, granting of building permits and other land use installations or any other matter which the Town Board of the Town of Fox Lake shall deem advisable for inclusion on the official Town map and is permitted by law. The official Town map shall include, but is not limited to, the current Town of Fox Lake boundaries, all Town of Fox Lake roads and all Town of Fox Lake official traffic control signals and highway signs. The official Town map may include airport locations, solid waste facility locations, cemetery locations, municipal building locations, park and recreation locations, historic district locations and railroad right-of-way.

### **Section 5: Adoption of Official Town Map**

The Town Board of the Town of Fox Lake did authorize creation of an official Town map, by adoption of a resolution dated August 8, 2005 and it did, by the adoption of this ordinance, confirm that the official Town map of the Town of Fox Lake has been developed by the Town Clerk/Treasurer of the Town of Fox Lake and does authorize, by this ordinance, the approval of the official Town map of the Town of Fox Lake. A copy of the official Town map, as approved by the Town Board of the Town of Fox Lake, by this ordinance, is to be identified herein as

“Exhibit 1” and attached to this ordinance. The original official Town map in the possession of the Town Clerk/Treasurer of the Town of Fox Lake shall be the actual official Town map of the Town of Fox Lake. The Town roads named on the official Town map shall be the official names of the Town roads in the Town of Fox Lake.

## CHAPTER 13 TRAFFIC

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Traffic Ordinance”. The purpose of this ordinance is to define those policies, procedures and practices related to traffic of vehicles in the Town of Fox Lake.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10 Wis. Stats., to regulate, control, prevent and enforce against in the Town of Fox Lake certain uses, activities, businesses and operations by persons that may affect the traffic in the Town of Fox Lake.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established, by these sections and this ordinance, the regulations, controls and enforcement against certain uses, activities, businesses and operations by persons that may affect the traffic in the Town of Fox Lake.

### **Section 4: General Provisions**

Except as specifically noted otherwise in this ordinance, in Chapters 340 to 348 Wis. Stats., inclusive, Chapter 350 and Chapter 941 Wis. Stats., describing and defining regulations with respect to vehicles, traffic and snowmobiles for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and incorporated by reference by the Town of Fox Lake and made part of this ordinance as if fully set forth herein.

Any future amendments, modifications, revisions, additions or deletions of the above noted statutory Chapters shall be incorporated herein and made part of this ordinance in order to secure uniform state regulations of traffic on the public highways, roads, streets and alleys of the State of Wisconsin.

Chapter 23 Wis. Stats. All-Terrain Vehicles

Chapter 125 Wis. Stats.

- 125.07 Underage and Intoxicated Persons
- 125.075 Injury or Death by Providing Alcohol Beverages to a Minor
- 125.085 Proof of Age
- 125.09 General Restrictions

Chapter 340 Wis. Stats.

- 340.01 Words and Phrases Defined

Chapter 341 Wis. Stats.

- 341.01 Words and Phrases Defined
- 341.04 Operating Unregistered or Improperly Registered Vehicle
- 341.05 When Vehicle Exempt from Registration
- 341.07 Certain Vehicles to be Registered by Resident Lessee

341.08	Application for Registration
341.11(4)	Display of Registration Certificate
341.15	Display of Registration Plates
341.16	Surrender of Illegible Plates
341.42	Reciprocity Permits
341.51	Registration of Dealer, Distributor, Manufacturer or Transporter
341.55	Misuse of Plates
341.61	Improper Use of Evidence of Registration
341.62	False Evidence of Registration
341.63(3)	Surrender of Plates Upon Suspension

Chapter 342 Wis. Stats.

342.01	Words and Phrases Defined
342.05	Certificate of Title Required
342.06	Application for Certificate of Title
342.15	Transfer of Interest in a Vehicle
342.16	Transfer to or from Dealer
342.30(3)	Assignment and Stamping of New Identification Numbers
342.31(2)	Report of Stolen or Abandoned Vehicle
342.33	Sale of Vehicle Used as Taxicab
342.34	Destruction of Vehicle

Chapter 343 Wis. Stats.

343.01	Words and Phrases Defined
343.05	Operating without Valid Driver's License
343.10	Occupational Licenses
343.12	School Bus Operators to Obtain Special License
343.125	Chauffeurs to Obtain Special License
343.18	License to be Carried
343.19	Duplicate Licenses
343.22	Notice of Change of Address or Name
343.305	Implied Consent
343.35	Surrender of License Upon Revocation, Cancellation or Suspension
343.44	Driving After License Revoked or Suspended
343.45	Permitting Unauthorized Persons to Drive

Chapter 344 Wis. Stats.

344.01	Words and Phrases Defined
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Chapter 346 Wis. Stats.

346.01	Words and Phrases Defined
346.32	Required Position for Turning Into Private Road or Driveway
346.33	Where Turns Prohibited
346.34	Turning Movements and Required Signal on Turning and Stopping
346.35	Method of Giving Signals on Turning and Stopping
346.37	Traffic Control Signal Legend
346.38	Pedestrian Control Signals
346.39	Flashing Signals
346.40	Whistle Signals

346.41	Display of Unauthorized Signs and Signals Prohibited
346.42	Interference with Signs and Signals Prohibited
346.44	All Vehicles to Stop at Signal Indicating Approach of Train
346.45	Certain Vehicles to Stop at all Railroad Crossings
346.46	Vehicles to Stop at Stop Signs
346.47	When Vehicles Using Alley or Non-Highway Access to Stop
346.48	Vehicles to Stop for School Buses Loading or Unloading Children
346.50	Exceptions to Stopping and Parking Restrictions
346.51	Stopping, Standing or Parking Outside of Business or Residence Districts
346.52	Stopping Prohibited in Certain Specified Places
346.53	Parking Prohibited in Certain Specified Places
346.54	How to Park and Stop on Streets
346.55	Other Restrictions on Parking and Stopping
346.57(2)	Reasonable and Prudent Speed
346.57(3)	Conditions Requiring Reduced Speed
346.57(4)	(a)-(c) Fixed Speed Limits in School or Safety Zones
346.57(4)	(d)-(h) Fixed Speed Limits
346.57(4)	(hm) Emergency Energy Speed Limit
346.57(4)	(i) Speeding in Park or Recreation Area
346.57(5)	Zoned and Posted Speed Limits
346.58	Special Speed Restrictions for Certain Vehicles
346.59	Minimum Speed Regulations
346.595	Motor Driven Cycles
346.61	Applicability of Sections Relating to Reckless and Drunken Driving
346.62(2)	Reckless Driving (First Offense Within Five (5) Years)
346.63	Operating Under Influence of Intoxicant or Other Drug
346.66	Applicability of Sections Relating to Accidents and Accident Reporting
346.68	Duty Upon Striking Unattended Vehicle
346.69	Duty Upon Striking Property on or Adjacent to Highway
346.70	Duty to Report Accident
346.71	Coroners to Report
346.72	Garages to Keep Record of Repairs of Accident Damage
346.73	Accident Reports Confidential
346.77	Responsibility of Parent or Guardian for violation of Bicycle and Play Vehicle Regulations
346.78	Play Vehicles Not to be Used on Roadway
346.79	Special Rules Applicable to Bicycles
346.80	Riding Bicycle on Roadway
346.804	Riding Bicycle on Sidewalks
346.81	Lamps and Other Equipment on Bicycles
346.87	Limitation on Backing
346.88	Obstruction of Operator
346.89	Inattentive Driving
346.90	Following Emergency Vehicle
346.91	Crossing Fire Hose
346.92	Illegal Riding

- 346.93 Intoxicants in Vehicles Carrying Minors
- 346.935 Drinking in Motor Vehicles on Highway
- 346.94 Miscellaneous Prohibited Acts

Chapter 347 Wis. Stats.

- 347.01 Words and Phrases Defined
- 347.02 Applicability of Chapter 347, (2003-04) Wis. Stats.
- 347.03 Sale of Prohibited Equipment
- 347.04 Improperly Equipped Vehicle
- 347.06 When Lighted Lamps Required
- 347.07 Special Restrictions on Lamps and the Use Thereof
- 347.08 Determining the Visibility Distance and Mounted Height of Lamps
- 347.09 Headlamps on Motor Vehicles
- 347.10 Headlamp Specifications for Motor Vehicles Other Than Power-Driven Cycles
- 347.11 Headlamp Specifications for Power-Driven Cycles and Motor Bicycles
- 347.12 Use of Multiple-Beam Headlamps
- 347.13 Tail Lamps and Registration Plate Lamps
- 347.14 Stop Lamps
- 347.15 Direction Signal Lamps or Devices
- 347.16 Clearance Lamps and Reflectors
- 347.18 Mounting of Clearance Lamps and Reflectors
- 347.19 Visibility of Clearance Lamps or Reflectors
- 347.20 Lamp or Flag on Projecting Load

Chapter 348 Wis. Stats.

- 348.01 Words and Phrases Defined
- 348.18 Weight Limitations Apply to Publicly-Owned Vehicles; Exceptions
- 348.185 Empty Weight to be Indicated on Side of Certain Vehicles; Rules
- 348.19 Traffic Officers May Weigh Vehicles and Require Removal of Excess Load
- 348.20 Policy in Prosecuting Weight Violations
- 348.25 General Provisions Relating to Permits for Vehicles and Loads of Excessive Size and Weight
- 348.26 Single Trip Permits
- 348.27 Annual or Multiple Trip Permits
- 348.28 Permits to be Carried

Chapter 350 Wis. Stats.

- 350.01 Words and Phrases Defined
- 350.02 Operation of Snowmobiles on or in the Vicinity of a Highway
- 350.03 Right-of-Way
- 350.04 Snowmobile Races, Derbies and Routes
- 350.05 Persons under Twelve (12) Operating a Snowmobile
- 350.055 Safety Certification Program Established
- 350.06 Firearms and Bows (Repealed)
- 350.07 Driving Bear, Deer or Other Game Prohibited
- 350.08 Owner Permitting Operation
- 350.09 Headlamps, Tail Lamps and Brakes
- 350.10 Miscellaneous Provisions for Snowmobile Operation
- 350.101 Intoxicated Snowmobiling



350.102	Preliminary Breath Screening Test
350.1025	Application of Intoxicated Snowmobiling Law
350.103	Implied Consent
350.104	Chemical Tests
350.106	Report Arrest to Department
350.107	Officer's Action After Arrest for Operating a Snowmobile While Under influence of Intoxicant
350.108	Public Education Program
350.11	Penalties
350.12	Registration of Snowmobiles
350.125	Completion of Application for Registration by Snowmobile Dealers
350.13	Rules
350.135	Interference's with Uniform Trail Signs and Standards Prohibited
350.14	Duties of Snowmobile Recreational Council
350.15	Accidents and Accident Reports
350.155	Coroners and Medical Examiners to Report; Required Blood Specimen
350.17	Enforcement
350.19	Liability of Landowners
350.99	Parties to a Violation

#### Chapter 940 Wis. Stats.

940.01	Reckless Driving Off Highways
940.03	Highway Obstruction

The Town of Fox Lake establishes, by this ordinance, the following areas marked by the Town of Fox Lake by traffic signs as "No Parking" areas in the Town of Fox Lake:

Blackhawk Trail South Side  
 Chief Kuno Trail South(small lake)Side except as designated parking permitted  
 Lake Drive  
 South Parish Road  
 Fire Lane at end of Brath Road  
 Boat Launch at end of Spring Road

Violations of the "No Parking" areas may be issued a parking citation of \$20.00 to be paid within 72 hours, if not paid in 72 hours then forfeiture would increase to \$50.00 and if not paid within 30 days the vehicle owner's registration may be suspended.

The Town of Fox Lake establishes, by this ordinance, no overnight parking on any Town road, park or property owned by the Town of Fox Lake, of the following items:

1. Ice shanties, either permanent or portable
2. A camper, or recreational housing
3. Trailer
4. Boat
5. Any and all other recreational vehicles

Violations of the "No Parking" areas may be issued a citation. The item found to be in violation of this ordinance will be removed immediately. If contact cannot be made with the owner of any of the items found to be in violation, that item will be removed by either a police officer of the

Town of Fox Lake Police Department, a member of the Town of Fox Lake Board, or their designee. All expenses incurred shall be the sole responsibility of the owner.

The Town of Fox Lake or its designee shall maintain possession of the impounded item found to be in violation for a maximum of forty-five (45) days. In the event that the item is not recovered by the lawful owner and forty-five (45) days has expired, that item shall either be destroyed or sold at auction.

The Town of Fox Lake establishes, by this ordinance, in compliance with Chapters 346 and 349 Wis. Stats., the following maximum speed limits on the following public highways, roads, streets and alleys in the Town of Fox Lake:

1. Chief Kuno Trail
  - a. Thirty-five (35) miles per hour from State Highway 33 northerly for a distance of one-quarter (0.25) miles
  - b. Twenty-five (25) miles per hour on all other sections of Chief Kuno Trail
2. Howard Drive  
Thirty (30) miles per hour from County Highway "A" southeasterly to its intersection with State Highway 33
3. Blackhawk Trail  
Thirty (30) miles per hour from a point one (1) mile east of County Highway "A" easterly to its intersection with Shorecrest Drive
4. Delbern Acres  
Twenty-five (25) miles per hour from its intersection with Shorecrest Drive easterly for its entire length
5. Hickory Bay Road  
Twenty-five (25) miles per hour from its intersection with Spring Road westerly for its entire length
6. Blancae Road  
Forty-five (45) miles per hour west from County Road A to town line
7. Indian Point Road  
Thirty (30) miles per hour from City limits to the Fox Lake Golf Course
8. Shorecrest Drive  
Twenty-five miles per hour its entire length

The Town Board of the Town of Fox Lake will not reduce the maximum speed limit in any area below forty-five (45) mph without approval of the Wisconsin Department of Transportation district officer.

The Town of Fox Lake establishes, by this ordinance, that in the following public places, public facilities and other public premises the following acts and events with a motor vehicle shall not occur in the Town of Fox Lake:

Brave Road Cemetery  
Lake Emily Cemetery  
Fox Lake Boat Landing and Park  
Lake Emily Boat Landing and Park  
Town Hall Property

No person shall, in the above noted public places, public facilities or other public premises in the Town of Fox Lake, operate a motor vehicle:

- a. accelerate at a speed which constitutes a danger to other motorists or pedestrians
- b. outside the established driving lanes
- c. across parking stalls indicated by painted lines except when entering or occupying a parking stall
- d. across any boulevard
- e. the wrong way in a driving lane where such wrong way is indicated by painted arrow, or by the entry angle of adjoining parking stalls
- f. by failing to stop at a “stop sign” or failing to yield to another motor vehicle at a “yield sign”
- g. at a rapid or sudden acceleration that results in squealing tires or leaving tire marks
- h. in a manner known as “power louies” or “spinning doughnuts” where the motor vehicle is driven rapidly in a tight radius

No person shall cause, allow or permit any person to operate or maintain a motor bike, motor cycle, mini-bike, ATV, go-cart, trail bike or snowmobile in the Town of Fox Lake:

- a. at unreasonable speeds for conditions
- b. in a careless way that endangers persons or property
- c. while under the influence of drugs or alcoholic beverages
- d. without functional headlights
- e. without a functional muffler

The Town Board of the Town of Fox Lake establishes, by this ordinance, that the operator of any motor vehicle, snowmobile, mini-bike, go-cart, motor cycle or other bicycle involved in any accident in the Town of Fox Lake, shall, within forty-eight (48) hours after such accident, file with the Town Clerk/Treasurer or the Town police officer of the Town of Fox Lake a copy of the report. If the operator is unable to make such report, any occupant of the motor vehicle capable of making such report shall have the duty to comply with this section. Such reports shall be subject to the provisions and limitations in section 346.70(4)(f) and 346.73 Wis. Stats.

The Town of Fox Lake establishes, by this ordinance, the following as “No Parking at Night” areas in the Town of Fox Lake:

Brave Road Cemetery  
Lake Emily Cemetery  
Fox Lake Boat Landing and Park  
Lake Emily Boat Landing and Park  
Town Hall Property

“Night”, for the purpose of this section, is defined as being between the hours of 11:00 p.m. and 5:00 a.m.

The Town of Fox Lake establishes, by this ordinance that the enforcement of traffic ordinances in the Town of Fox Lake will be in accordance with Sec. 66.12 and 345.20 through 345.53 Wis. Stats. Stipulations shall conform to the form contained in the uniform traffic citation and may be accepted within five (5) days of the alleged violation. Stipulations and deposits may be accepted by the Clerk of Courts or the Town police officer(s) of the Town of Fox Lake. Deposits shall be made in conformance with Sec. 345.26 Wis. Stats. If a particular deposit is not established by

this statute, then the person shall deposit a forfeiture penalty as provided by the Town of Fox Lake and approved by the Town Board of the Town of Fox Lake.

## CHAPTER 14 ENVIRONMENTAL PROTECTION

### A. Water Use Ordinance

A sole ordinance to regulate the use of the waters of the Town of Fox Lake and prescribing penalties for violation thereof.

The Town Board of the Town of Fox Lake does ordain as follows:

#### **Section 1. Applicability and Enforcement**

- (a) The provisions of this Ordinance shall apply to the waters of the Town of Fox Lake.
- (b) The officers of the Town of Fox Lake and the Dodge County Sheriff's Department shall enforce this chapter.

#### **Section 2. Intent**

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

#### **Section 3. State Boating and Safety Laws Adopted**

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

#### **Section 4. Definitions**

- (a) "Public access" means any access to the waters by means of public property.
- (b) "Shore zone" means all surface water within two hundred (200) feet of the shoreline.
- (c) "Slow-No-Wake" means that speed at which a boat moves as slowly as possible while maintaining steerage control.
- (d) "Water ski" means a boat towing a person using water skis, an aquaplane or similar device.

#### **Section 5. Swimming From Boat**

No person shall cause, allow or permit any person to swim, float, skin-dive, snorkel or engage in other swimming operations on the waters in the Town of Fox Lake from any boat on the waters in the Town of Fox Lake except if the boat is properly anchored and then only if the person stays within one hundred (100) feet of the boat during the swimming, floating, skin-diving, snorkeling or other swimming operations. In addition, no person shall cause, allow or permit any person to swim, float, skin-dive, snorkel or engage in other swimming operations on the waters in the Town of Fox Lake from any boat unless the boat is fully equipped with the proper amount and type of U.S. Coast Guard approved flotation equipment or devices to be used in a water rescue emergency.

#### **Section 6. Controlled Areas**

No person shall cause, allow or permit any person to operate a boat on the waters in the Town of Fox Lake at a speed in excess of slow-no-wake within the two hundred (200) feet of the shoreline marked by the restricted area marker buoy.

No person shall cause, allow or permit any person to operate a boat on Fox Lake at a speed in excess of slow-no-wake within the restricted areas designated on the map attached to this Ordinance and indicated as a “No Wake Zone”. The no-wake-zones on Fox Lake include: the “government marsh area” from the shoreline east of Trailer Island northerly to the shoreline at the east end of Delbern Acres; the “jug area” west of the bog island; and the “inlet area” west of a line from Maple Point to Devils Island to the northern most shoreline of Howard Drive

No person shall cause, allow or permit any person to operate a boat in any waters of Fox Lake at a speed in excess of slow-no-wake when the water level exceeds an elevation of 90.75’ as based on, and measured at, the bench mark elevation located at the box culvert on Chief Kuno Trail.

No person shall cause, allow or permit any person to operate a boat in any waters of Beaver Dam Lake at a speed in excess of slow-no-wake when the water level exceeds an elevation of 89.3’ as based on, and measured at, the bench mark elevation located at the dam in the City of Beaver Dam.

No person shall operate a boat faster than slow-no-wake in the waters of the Controlled Areas of Beaver Dam Lake as described below:

Area A: “Randolph Long Bridge”

That area south of CTH G, beginning where CTH G crosses Beaver Dam Lake; said location generally known as “Randolph Long Bridge”, and more particularly that portion of CTH G located between Glen Road and CTH FW.

***Area B not included in Town of Fox Lake Adopted Ordinance of June 12, 2006***

Area B : “Wisconsin Southern Railroad Trestle”

That area north of the Wisconsin Southern Railroad Trestle; said trestle generally located between Spring Road and Lake Drive.

Area C: “Hickory Point”

The area south and west of a line that begins at a point with coordinates of N43°3 1.656 and W88°55.605 (“north point”), and continues to a point with coordinates of N43°3 1.540 and W88°55.488 (“south point”).

Area D: “Gilfen’s Bay”

The area south and west of a line that begins at a point with coordinates of N43°3 1.024 and W88°54.494 (“Link’s Woods”), and continues to a point with coordinates of N43°3 0.630 and W88°53.413 (“Clark’s Point”).

Area E: “Mill Creek”

The area on either side of the centerline of Mill Creek beginning at a point where said creek enters Beaver Dam Lake, and having coordinates of N43°32.055 and W88°56.408, and continuing along said creek to its outlet from Fox Lake.

Area F: “Meinders Island and Wayside Island”.

The area north and east of a line that begins at a point with coordinates of N43°30.939 and W88°53.253 (“point off ‘the south end of Breezy Point Rd.’”), and continues to a point with coordinates of N43°30.753 and W88°52.787 (“south point of Wayside Island”), and continues to a point with coordinates of N43°30.591 and W88°52.228 (“a point north offish Camp”).

Area G: “Weiss Bay”

The area west of a line that begins at a point with coordinates of N43°29.318 and W88°52.728 (“north shore”), and continues to a point with coordinates of N43°29.114 and W88°52.701 (“south shore”).

Area H: “High Island”

The area west of a line that begins at a point with coordinates of N43°28.948 and W88°52.703 (“Uttech’s Point”), and continues to a point with coordinates of N43°28.672 and W88°52.849 (“east tip of High Island”), and continues to a point with coordinates of N43°28.539 and W88°52.901 (“south point of bay”).

Area I: “Starkweather Bay”

The area south of a line that begins at a point with coordinates of N43°27.622 and W88°53.392 (“point along the west shore, in Beaver Bay Heights”), and continues to a point with coordinates of N43°27.633 and W88°53.019 (“Miller’s Woods Point”).

Area J: “Majestic Islands”

The area south of a line that begins at a point with coordinates of N43°27.511 and W88°52.556 (“a point along the east side of Miller’s Woods, at the entrance to Conservation Bay”), and continues to a point with coordinates of N43°27.668 and W88°52.428 (“west point of Snipe’s Island”), and continues to a point with coordinates of N43°27.504 and W88°52.052 (“north point of Kopf Island”); and west of a line that begins at the point known as “north point of Kopf Island”, and continues to a point with coordinates of N43°27.517 and W88°51.940 (“eastern tip of Evergreen Island”).

Area K: “Beaver Dam Long Bridge”

That area south and west of CTH G, beginning where CTH U crosses Beaver Dam Lake; said location generally known as “Beaver Dam Long Bridge”, and more particularly that portion of CTH G located between Madison Street and CTHD.

The Town of Fox Lake shall place and maintain a synopsis of the Controlled Areas of Beaver Dam Lake at all public access points within the jurisdiction of the Town of Fox Lake pursuant to the requirements of NR 5.15 Wis. Admin. Code.

## **Section 7. Water Skiing**

No person shall cause, allow or permit any person to operate a boat on the waters in the Town of Fox Lake where the boat is engaged in starting, towing and releasing of a person or persons on water-skis, aquaplanes or other similar water recreation devices unless the boat and the person or persons are at least one hundred (100) feet beyond the following:

- a. any swimmer not engaged in this operation
- b. bridge
- c. culvert
- d. public landing
- e. designated swimming area
- f. designated anchorage area
- g. diving flag
- h. canoe
- i. rowboat
- j. anchored motorboat
- k. navigational channel
- l. buoyed restricted area

The Town Board of the Town of Fox Lake may waive this provision for permitted water shows.

No person shall cause, allow or permit any person to operate a boat on the waters in the Town of Fox Lake where the boat is engaged in starting, towing and releasing of a person or persons on water skis, aquaplanes or other similar water recreation devices and where the boat has more than two (2) tows or more than one (1) person on any one (1) tow for the purpose of allowing the person or the persons to water-ski, aquaplane or engage in other similar water recreation operations.

No person shall cause, allow or permit any person to water-ski, aquaplane or engage in other similar water recreation operations as follows:

On Lake Emily: Between the hours of sunset and sunrise

On Fox Lake: Between the hours of sunset and sunrise.

## **Section 8. Personal Watercraft (PWC) Hours of Operation**

No person shall cause, allow or permit any person to operate a Personal Watercraft on the waters of the Town of Fox Lake as follows:

On Lake Emily: Between the hours of sunset and 10:00 A.M.

On Fox Lake: Between the hours of sunset and 10:00 A.M.

## **Section 9. Anchoring/Mooring Restrictions**

No person shall cause, allow or permit any person to allow a boat to drift on the waters in the Town of Fox Lake wherein upon such boat people are living, sleeping or camping between the hours of 11:00 p.m. and 5:00 a.m.

No person shall cause, allow or permit any person to operate a boat on the waters in the Town of Fox Lake where the boat is moored or anchored at any private beach, park, landing, pier or wharf without approval of the owner of the berth, park, landing, pier or wharf or where the boat is moored or anchored at any public beach, park, landing, pier, wharf or other location in the Town of Fox Lake other than the landings, piers or wharves designated by the Town of Fox Lake as public boat landing areas. This provision shall not apply in an emergency situation where the



public health and public safety of persons on the boat is in jeopardy.

No person shall cause, allow or permit any person to anchor any boat or other vessel on the waters in the Town of Fox Lake without causing such boat or vessel to be at all times tied, secured and anchored with proper care and with proper equipment and in a manner to prevent the boat or vessel from escaping moor or anchor.

No person may anchor or permit a boat to be anchored within the restricted area around the aerators designated by the uniform waterway markers .

#### **Section 10. Boat as Residence Restrictions**

No person shall cause, allow or permit any person to reside on any boat or vessel on the waters in the Town of Fox Lake. For purposes of this section, “reside” means the use of the boat or vessel located on the waters in the Town of Fox Lake as a primary residence or domicile for a period of two (2) consecutive days in any one (1) year.

#### **Section 11. Launch Permits**

A launch permit will be required at boat landings under the control of the Town of Fox Lake on Fox Lake, Beaver Dam Lake and Lake Emily from May 1<sup>st</sup> through September 30<sup>th</sup>.

Daily and seasonal launch permits will be available for purchase at each boat landing and seasonal permits may also be purchased from the Clerk/Treasurer of the Town of Fox Lake.

The daily fee for a launch permit shall be \$5.00 and the seasonal fee for a launch permit shall be \$40.00. Residents of the Town of Fox Lake may purchase a seasonal permit for a fee of \$4.00.

The launch permits shall be displayed on all vehicles utilizing the Town of Fox Lake boat launch facilities.

Failure to purchase and display the launch fee permit shall result in a launch violation notice fee of \$10.00

Failure to pay the launch violation notice fee within fourteen days of receipt of the notice shall result in a citation with a forfeiture fine of \$40.00.

Failure to pay the forfeiture fine of \$40.00 resulting in an action in Municipal Court may result in a fine of not less than \$0.00 nor more than \$80.00 (plus court costs).

#### **Section 12. General Pollution/Littering Provisions**

No person shall cause, allow or permit any person to discharge any solid waste or any other waste in any waters in the Town of Fox Lake or on the ice of any waters in the Town of Fox Lake. This provision does not apply to a person who deposits or discharges solid waste or any other waste in conformance with Chapters 30, 31, 144 and 147, Wis. Stats., or has a permit, license or other approval by the State Department of Natural Resources under these chapters.

No person shall cause, allow or permit any person to fail to remove any motor vehicle, boat or other vehicle from the waters in the Town of Fox Lake within thirty (30) days of the discharge, deposit, placement or abandonment of the motor vehicle, boat or other vehicle into the waters in the Town of Fox Lake.

No person shall cause, allow or permit any person to deposit or discharge or allow any such deposit or discharge of any solid waste or any other waste on land owned or occupied by that person wherein such solid waste or other waste will naturally flow or will, by aid of an artificial structure, flow into the waters in the Town of Fox Lake or onto the ice in waterways in the Town

### **Section 13. General Artificial Structure in Water Provisions**

No person shall cause, allow or permit any person to maintain artificial structures, rafts, buoys (other than a wharf or pier) within the shore zone of the Town of Fox Lake without first obtaining a written permit from the Town Board of the Town of Fox Lake. This provision does not apply to those structures regulated by the State Department of Natural Resources under Chapter 30, Wis. Stats.

No person shall cause, allow or permit any person to maintain any contrivance used or designed for navigation within or upon the waters in the Town of Fox Lake without first obtaining a written permit from the Town Board of the Town of Fox Lake. This provision does not apply to any structure regulated by the State Department of Natural Resources under Chapter 30, Wis. Stats.

Any person required to seek and obtain a permit under these provisions shall file an application with the Town Clerk/Treasurer of the Town of Fox Lake. The application shall request, at minimum, the following information from the applicant:

- a. the name of the applicant
- b. the address of the applicant
- c. the business and residential telephone number of the applicant
- d. the type of proposed structure
- e. the location of the proposed structure
- f. the projected commencement and termination dates of the construction of the project
- g. the design and dimension of the project with attached maps and diagrams, including the type and amount of construction material to be used
- h. the height of the project above and below the water line
- i. the width of the project
- j. the permanency of the structure, including projected time period for removal, if any
- k. the purpose and uses of the structure, including estimated number of persons to use structure at any one time
- l. the type and nature of the anchorage of the structure
- m. the safety equipment to be used in structure, if any

The applicant may request a public hearing regarding the application and permit.

The Town Board of the Town of Fox Lake within sixty (60) days of receipt of the application for permit shall:

- a. review the application for permit
- b. personally inspect the subject premises or request the designee of the Town Board to inspect the premises
- c. provide a public hearing, if requested by applicant, after the application for permit

The Town Board within ninety (90) days of the receipt of the application for permit shall:

- a. provide a written determination whether the propose structure or structures will be likely detrimental to the public health or safety, will likely constitute an unreasonable obstruction or interference of the waters of the Town of Fox Lake or will likely cause injury to persons or damage to property in the Town of Fox Lake
- b. issue the permit, issue the permit upon conditions or deny the permit

- c. prior to any issuance of any permit, the Town Clerk/Treasurer of the Town of Fox Lake shall receive from the applicant a payment in the amount of twenty-five dollars (\$25.00) for payment of the permit fee

The permit, if issued by the Town Board, may be revoked or suspended by the Town Board at anytime for cause after a public hearing. The permittee shall be given ten (10) days written notice of the hearing.

No person shall cause, allow or permit any person to construct or maintain any wharf, pier, beach or mooring in the waters in the Town of Fox Lake which interferes with the public right to navigate in navigable waters unless the person has a permit issued by the State Department of Natural Resources under Sec. 30.12, Wis. Stats.

No person shall cause, allow or permit any person to construct or maintain a wharf, pier, beach or mooring which interferes with the riparian rights of other riparian proprietors on waters in the Town of Fox Lake unless the person has a permit issued by the State Department of Natural Resources under Sec. 30.12, Wis. Stats.

No person shall cause, allow or permit any person to construct or maintain a wharf or pier in the waters in the Town of Fox Lake that will not allow for the free movement of water underneath the wharf or pier.

No person shall cause, allow or permit any person to maintain any wharf or pier in the waters in the Town of Fox Lake if the wharf or pier is so old, dilapidated or is in such need of repair that it is dangerous, unsafe or unfit for use by the public. The Town Board of the Town of Fox Lake may, under such conditions, proceed under Sec. 66.0495, Wis. Stats., or may proceed under Chapter 823, Wis. Stats.

No person shall cause, allow or permit any person to construct or maintain any marina or lagoon in the waters in the Town of Fox Lake without a permit issued by the State Department of Natural Resources. Any person applying for such permit shall file a notice of application with the Town Clerk/Treasurer of the Town of Fox Lake.

No person shall cause, allow or permit any person to knowingly obstruct any channel, fairway, harbor or waterway in the Town of Fox Lake.

No person shall cause, allow or permit any person to discharge any debris onto the waters in the Town of Fox Lake or which may, due to the discharge, be washed onto the waters in the Town of Fox Lake and which may then hinder, obstruct or destroy navigation by boats or other vessels in the waters in the Town of Fox Lake.

No person shall cause, allow or permit any person to maintain any dilapidated structure or building near the shores of waters in the Town of Fox Lake wherein such structure, due to its condition and proximity to shore, may be washed into the waters in the Town of Fox Lake and which may hinder, obstruct or destroy navigation by boats or other vessels in the waters in the Town of Fox Lake. For purposes of this section, "near the shores" shall mean within ten (10) feet from the shoreline in the waters in the Town of Fox Lake.

No person shall, without a permit issued by the Town Board of the Town of Fox Lake, cause, allow or permit any person to construct or maintain any pipe, culvert, ditch or any other artificial waterway in the Town of Fox Lake which is constructed or maintained to collect water from surface water sources, such as roads, structures or other devices and which then allows the discharge of this water into any waterway in the Town of Fox Lake. This section shall have no application for any person who constructs or maintains the above with approval of an appropriate

federal, state, County of Dodge or other municipal authority.

#### **Section 14. Miscellaneous Water Provisions**

No person shall cause, allow or permit any person to move, remove, molest, tamper with, destroy or moor a boat (except to mooring buoys) to any navigation aids or regulatory markers, signs or other devices established and maintained to aid boaters on the waters in the Town of Fox Lake.

No person shall cause, allow or permit any person:

- a. to unlawfully obstruct any navigable waters in the Town of Fox Lake and thereby impair the free navigation on the waters in the Town of Fox Lake.
- b. to unlawfully place in navigable waters in the Town of Fox Lake any substance that may float into and obstruct any such waters or impede their free navigation on the waters in the Town of Fox Lake.
- c. to construct or maintain in navigable waters in the Town of Fox Lake any boom not authorized by law.
- d. to obstruct or interfere, by a watercraft or float, with free navigation of any river, canal, or water channel within in the Town of Fox Lake.

#### **Section 15. Enforcement and Penalties**

Law enforcement officers of the Town of Fox Lake and the Dodge County Sheriff's Department may enforce this Ordinance.

The statutory provisions of Sections. 66.115, 66.119, 66.12, 30.50 to 30.71, and Chapter 799, Wis. Stats., are adopted and by reference made a part of this Ordinance 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 Ordinance. Any future additions, amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this ordinance in order to secure uniform state-wide regulation and enforcement of boating ordinance violations. The Town of Fox Lake specifically elects to use the citation method of enforcement.

The issuance of a citation hereunder shall not preclude the Town or any authorized officer from proceedings under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation or order.

Any person violating the provisions of this ordinance shall be subject to penalties as provided for in Section 30.80 of the Wisconsin Statutes and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, which are hereby adopted by this references with all references therein to "fines" amended to "forfeitures" and all references to "imprisonment" deleted.

The deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference are hereby adopted by reference with references to "fines" amended to "forfeitures" and all references to "imprisonment" deleted.

#### **Section 16. Severability**

The provisions of this Ordinance shall be deemed severable. If any provisions of this Ordinance or the application to any person or circumstance are held invalid the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected. It is expressly declared that the Town of Fox Lake would have enacted the other provisions of this Ordinance irrespective of whether any provision hereof may be declared invalid.

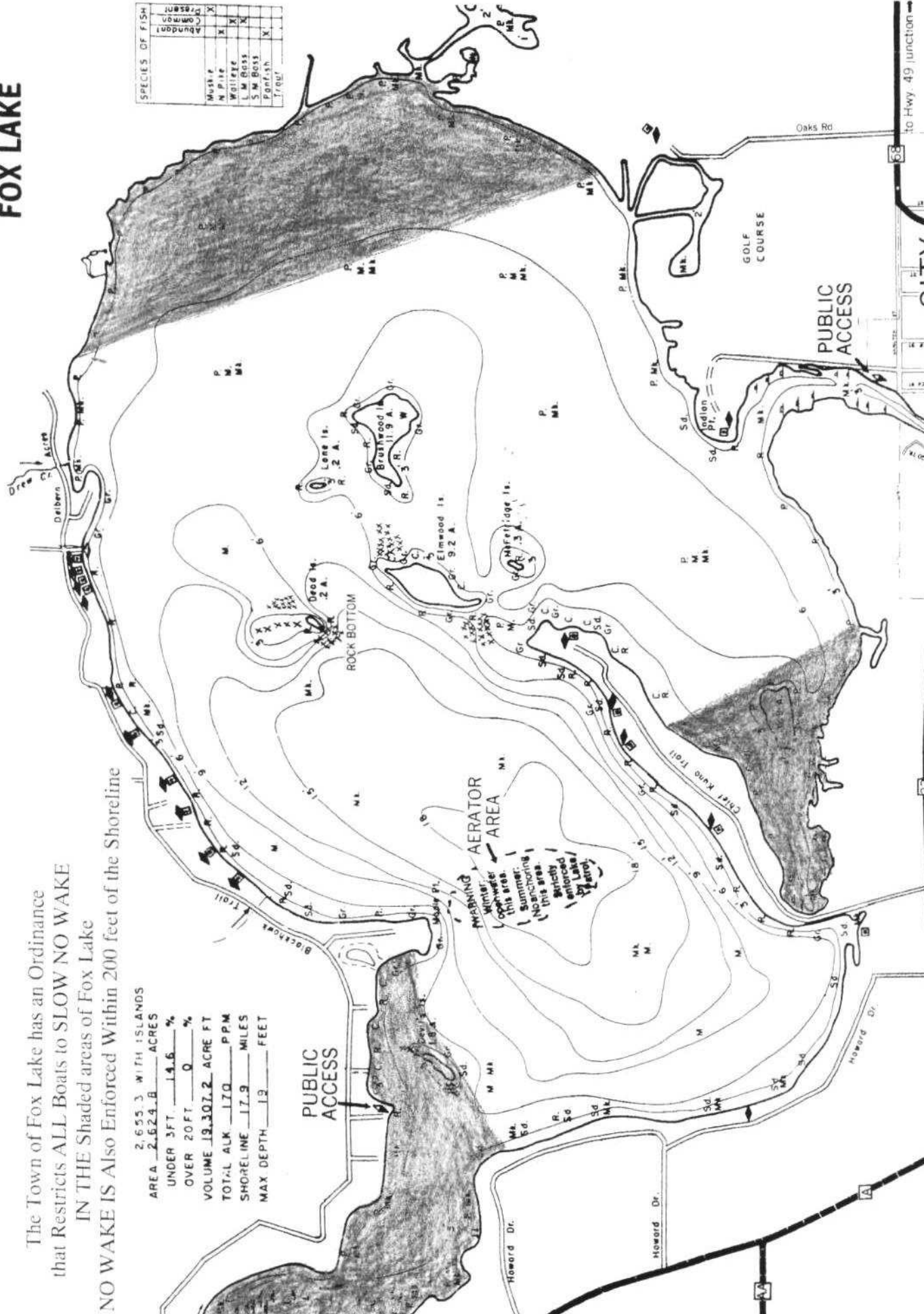
# PUBLIC NOTICE

The Town of Fox Lake has an Ordinance  
that Restricts ALL Boats to SLOW NO WAKE  
IN THE Shaded areas of Fox Lake  
NO WAKE IS Also Enforced Within 200 feet of the Shoreline

2,655.3 WITH ISLANDS  
AREA 2,624.8 ACRES  
UNDER 3 FT. 14.6 %  
OVER 20 FT. 0 %  
VOLUME 13,307.2 ACRE FT  
TOTAL ALK 170 PPM  
SHORELINE 17.9 MILES  
MAX DEPTH 12 FEET

## FOX LAKE

SPECIES OF FISH		
	Abundant	
	Common	
	Rare	
Muskie		X
N Pike		X
Walleye		X
L M Bass		X
S M Bass		X
Panfish		X
Trout		



## B. Air/Noise Quality Ordinance

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Air/Noise Quality Ordinance”. The purpose of this ordinance is to promote those practices which will maintain reasonably acceptable air quality and noise levels for the residents and visitors of the Town of Fox Lake.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to the specific sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10 Wis. Stats., to regulate, control, license, register or permit in the Town of Fox Lake persons engaged in certain uses, activities, businesses and operations, to assess these persons with appropriate fees for licenses, registrations or permits as noted herein and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses, registrations and permits.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance license, registration and permit ordinances to regulate and control, by ordinance:

- a. persons engaged in certain uses, activities, businesses and operations in the Town of Fox Lake,
- b. to regulate, by these licenses, registrations and permits, the persons engaged in these uses, activities, businesses and operations at certain locations within the Town of Fox Lake,
- c. to assess these persons with appropriate fees for the licenses, registrations or permits, and
- d. to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the license, registration and permit.

### **Section 4: General Air Quality Provisions**

No person shall cause, allow or permit any person to emit fugitive dust or particulate matter into the ambient air in the Town of Fox Lake which substantially circulates to or creates air pollution in the Town of Fox Lake.

No person shall cause, allow or permit any person to use, handle, transport, dispose of or store any substance or material in the Town of Fox Lake without taking proper and reasonable precautions to prevent fugitive dust or particle matter from these substances or materials from being airborne in the Town of Fox Lake. Such proper and reasonable precautions to prevent fugitive dust and particle matter shall include, but are not limited to:

- a. use, where possible, of water or suitable chemicals for control of dust in the demolition of existing buildings or structures or construction operations in the Town of Fox Lake
- b. application of asphalt, oil, water or plastic covering on dirt roads, material stockpiles and other surfaces which can create airborne dust, provided such application if these materials does not create a hydrocarbon odor or water pollution problems in the Town of Fox Lake
- c. install and use hoods, fans and air cleaning devices to enclose and vent the areas where dirty materials are handled in the Town of Fox Lake

- d. cover or secure materials likely to become airborne while being transported in the Town of Fox Lake
- e. conduct agricultural, commercial or industrial operations with proper practices and materials that will limit or minimize air pollution in the Town of Fox Lake
- f. pave and maintain roadways or parking lots so as not to create air pollution in the Town of Fox Lake

No person shall cause, allow or permit any person to emit organic compounds into the ambient air in the Town of Fox Lake which substantially circulates to or creates air pollution in the Town of Fox Lake.

No person shall cause, allow or permit any person to use, handle, transport, dispose of or store organic compounds, solvents or mixtures in the Town of Fox Lake without taking proper and reasonable precautions to prevent the discharge of such organic compounds, solvents or mixtures in the Town of Fox Lake. Such proper and reasonable precautions to prevent discharge of organic compounds, solvents or mixtures shall include, but is not limited to:

- a. use proper caution and proper practices to prevent discharge when loading or filling tanks, trucks or trailers with organic compounds, solvents or mixtures in the Town of Fox Lake
- b. use proper caution and proper practices to prevent discharge when loading or filling motor vehicle tanks with gasoline, diesel fuel or other motor vehicle fuel in the Town of Fox Lake

No person shall cause, allow or permit any person to emit into the ambient air in the Town of Fox Lake any substance or material or combination of substances and materials in such unreasonable quantities that an objectionable odor is determined to result unless proper and reasonable preventative measures are taken to abate or control such emission in the Town of Fox Lake. An odor shall be deemed objectionable when either or both of the following tests are met:

- a. upon decision resulting from investigation by the Town Board of the Town of Fox Lake or its designee based upon the nature, intensity, frequency and character of the odor as well as the type of area involved and other pertinent factors, or
- b. when sixty-six percent (66%) or more of a random sample of more than five hundred (500) persons residing in the Town of Fox Lake exposed to the odor or persons employed in the Town of Fox Lake exposed to the odor, other than those owning, employed at or agents of the odor source, claim the odor to be objectionable and the nature, intensity, frequency and duration of the odor are considered.

Proper and reasonable preventative measures to control or abate objectionable odors shall include, but are not limited to:

- a. use of catalytic incinerators, afterburners, scrubbers, absorbers or other methods approved by the Town Board of the Town of Fox Lake
- b. remove and properly dispose of odorous substances or materials in the Town of Fox Lake
- c. use proper agricultural, commercial or industrial practices and methods in using, handling, transporting or storing of odorous substances or materials in the Town of Fox Lake that will minimize or limit emissions in the Town of Fox Lake.
- d. use "best available control technology" related to the substance or material to reduce odorous emissions in the Town of Fox Lake.

No person shall cause, allow or permit any person to open burn in the Town of Fox Lake with the following exceptions:

- a. burning of brush or weeds on agricultural lands in the Town of Fox Lake
- b. fires set for practice and education of firefighters or testing of firefighters in the Town of Fox Lake
- c. burning of explosive or dangerous materials or substances for which there is no other safe means of proper disposal when permitted by the Town Board of the Town of Fox Lake
- d. burning of small amounts of dry combustible solid waste This solid waste shall not include the following:
  - 1) wet combustible rubbish
  - 2) garbage
  - 3) oily substances
  - 4) asphalt
  - 5) tires
  - 6) plastic
  - 7) rubber products
- e. outdoor fires for cooking or recreation in the Town of Fox Lake
- f. burning of trees, stumps, brush or weeds for clearing of right-of-ways in the Town of Fox Lake if the Town of Fox Lake is outside of the Southeastern Wisconsin Intrastate Air Quality Region established by the State Department of Natural Resources
- g. burning of trees, wood, brush or demolition materials (excluding asphalt, asbestos, rubber materials or hazardous materials) in the Town of Fox Lake by such methods approved by the State Department of Natural Resources and are permitted by the Town Board of the Town of Fox Lake
- h. small open flames for welding, acetylene torches, safety flares, heating tar or similar application in the Town of Fox Lake
- i. burning of gasoline or liquid wastes in the Town of Fox Lake in a manner approved by the State Department of Natural Resources and permitted by the Town Board of the Town of Fox Lake
- j. burning of dry leaves and dry plant clippings when permitted by the Town Board of the Town of Fox Lake

No person shall cause, allow or permit any person to open burn in the Town of Fox Lake without taking proper and reasonable precautions to limit or minimize air pollution in the Town of Fox Lake and to limit or minimize any adverse effects upon people or property in the Town of Fox Lake due to the open burning.

No person shall cause, allow or permit any person to open burn in any incinerator that will endanger persons or property in the Town of Fox Lake or will negatively affect the public health or safety of any persons in the Town of Fox Lake.

No person shall cause, allow or permit any person to construct, maintain or demolish any building, roadway or other structure without taking proper and reasonable precautions to prevent fugitive dust or particulate matter from emitting into the ambient air in the Town of Fox Lake.

No person shall cause, allow or permit any person to emit into the ambient air in the Town of Fox Lake any hazardous waste or hazardous substance in such quantity, concentration or duration as to be injurious to human health, plant or animal life unless the purpose of that emission is for the control of plant or animal life. Hazardous waste or hazardous substance



include, but are not limited to, the hazardous air contaminants listed in Tables 1 to 4 of NR 445.04, Wis. Adm. Code (1994).

No person shall cause, allow or permit any person to emit into the ambient air in the Town of Fox Lake any radioactive substance, dioxins or PCBs in such quantity, concentration or duration as to be injurious to human health or to plant or animal life.

No person shall cause, allow or permit any person to deny access to any public or private lands or buildings for the purpose of him or her inspecting and investigating any condition for which the Town Board of the Town of Fox Lake shall have reasonable cause to believe to be an air pollution source. The Town Board may obtain such court orders as may be necessary to obtain access to the lands and buildings.

No person shall cause, allow or permit any person to operate or maintain any equipment, device, machine or facility that malfunctions in such a manner as to cause emissions of air contaminants in the ambient air in the Town of Fox Lake in excess of levels established by the State Department of Natural Resources or in excess of levels established by this ordinance.

The Town Board of the Town of Fox Lake shall develop its ordinances, plans and zoning and shall enforce its ordinances and zoning related to agricultural uses and agricultural practices that are consistent with the purpose and intent of Sec. 823.08, (2003-04) Wis. Stats., commonly known as the "Right to Farm" Act.

#### **Section 5: General Noise Quality Provisions**

No person shall cause, allow or permit any person to engage in noise disturbances or noise nuisances in the Town of Fox Lake which are deemed excessive to a reasonable person.

No person shall cause, allow or permit any person to operate any motor vehicle in the Town of Fox Lake where the sound level from the operation of the motor vehicle is a noise disturbance or a noise nuisance created at or by the motor vehicle due to the following:

- a. faulty muffler
- b. faulty exhaust system
- c. reckless driving
- d. inappropriate and unnecessary acceleration or deceleration

## C. Attractive Nuisance/Unsafe Building Ordinance

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Attractive Nuisance/Unsafe Building Ordinance”. The purpose of this ordinance is to protect the citizens and visitors of the Town of Fox Lake from harm which may result from the occupancy or habitation of unsafe structures.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to the specific sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10 Wis. Stats., to regulate, control, license, register or permit in the Town of Fox Lake persons engaged in certain uses, activities, businesses and operations, to assess these persons with appropriate fees for licenses, registrations or permits as noted herein and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses, registrations and permits.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance license, registration and permit ordinances to regulate and control, by ordinance:

- a. persons engaged in certain uses, activities, businesses and operations in the Town,
- b. to regulate, by these licenses, registrations and permits, the persons engaged in these uses, activities, businesses and operations at certain locations within the Town of Fox Lake,
- c. to assess these persons with appropriate fees for the licenses, registrations or permits, and
- d. to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the license, registration and permit.

### **Section 4: General Provisions**

No person shall cause, allow or permit any person to maintain an attractive nuisance or a dangerous or unsafe building or structure in the Town of Fox Lake. No person shall cause, allow or permit any person to occupy any dangerous or unsafe building or structure in the Town of Fox Lake.

No person shall cause, allow or permit any person to inhabit any unfit building or structure in the Town of Fox Lake.

No person shall cause, allow or permit any person to inhabit any room or charge rent of any type for the room unless the room is fit for human habitation. Specifically, the room must, to be habitable:

- a. contain no leaking water lines
- b. contain no leaking gas lines
- c. contain no defective plumbing system
- d. contain no defective electrical system
- e. contain no leaking roof or leaking windows
- f. must have proper ventilation
- g. must have an adequate operational heat supply
- h. must have an adequate operational lighting
- i. must have adequate operational sanitary facilities

## **D. Signs/Billboard Ordinance**

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Signs/Billboard Ordinance”. The purpose of this ordinance is to control the placement and operation of signs/billboards so as to limit any harm to the citizens and visitors of the Town of Fox Lake.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to the specific sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10 Wis. Stats., to regulate, control, license, register or permit in the Town of Fox Lake persons engaged in certain uses, activities, businesses and operations, to assess these persons with appropriate fees for licenses, registrations or permits as noted herein and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses, registrations and permits.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance license, registration and permit ordinances to regulate and control, by ordinance:

- a. persons engaged in certain uses, activities, businesses and operations in the Town of Fox Lake,
- b. to regulate, by these licenses, registrations and permits, the persons engaged in these uses, activities, businesses and operations at certain locations within the Town of Fox Lake,
- c. to assess these persons with appropriate fees for the licenses, registrations or permits, and
- d. to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the license, registration and permit.

### **Section 4: General Provisions**

The following signs and billboards are prohibited from being placed or maintained in any area in the Town of Fox Lake:

- a. Signs or billboards found so unsafe or in such disrepair by the Town Board of the Town of Fox Lake as to be imminently dangerous to persons or property in the Town of Fox Lake.
- b. Signs or billboards found attached to a tree or other natural object except “no trespassing” signs will be allowed that are placed on trees by owner or occupant of premises.
- c. Signs or billboards that move, swing or are designed, constructed and maintained to be animated.
- d. Signs and billboards on roofs except as permitted by the Town Board of the Town of Fox Lake.
- e. Signs or billboards on agricultural buildings or structures except as permitted by the Town Board of the Town of Fox Lake. This provision does not apply to the names of companies that constructed the agricultural buildings or structures nor the name of the agricultural entrepreneur or family that owns or occupies the land.
- f. Signs and billboards on Town of Fox Lake lands including roads and right-of-way except as permitted by the Town Board of the Town of Fox Lake.

- g. Signs and billboards located within forty (40) feet of any state, county or Town road right-of-way except governmental signs authorized under state law.

No sign or billboard in the Town of Fox Lake shall be abandoned by the owner. Any sign or billboard not properly and reasonably maintained by the owner of the sign or billboard shall be removed by the owner within thirty (30) days of receipt of a written notice from the Town of Fox Lake. Failure to remove an abandoned sign or billboard within the time noted above shall cause the Town of Fox Lake to remove the sign after a ten (10) day written notice is mailed to the landowner(s) by the Town of Fox Lake. The removal expense shall be charged to the owner of the sign or billboard or to the owner of the land wherein the sign or billboard is located. In the event removal costs are unpaid, they may be placed as a special charge on the property tax bill of the owner of the sign or the landowner where the sign is located.

No sign or billboard in the Town of Fox Lake shall be constructed or maintained to create a public nuisance or create a danger to the safety of persons or property in the Town of Fox Lake. All signs and billboards that create a public nuisance or create a danger to the safety of persons or property in the Town of Fox Lake as determined by the Town Board of the Town of Fox Lake shall be appropriately reconstructed, reinforced, repaired or removed by the owner of the sign or billboard or by the owner of the land wherein the sign or billboard is located. If both the owner of the sign or billboard and the owner of the land after receipt of written notice to take appropriate action from the Town Board of the Town of Fox Lake fails to act within thirty (30) days, the Town of Fox Lake may take appropriate action, including removal of the sign or billboard. If the Town of Fox Lake incurs appropriate expenses related to these actions, the Town of Fox Lake may charge these appropriate expenses to the owner of the sign or billboard or charge these appropriate expenses to the owner of the land wherein the sign or billboard is located. Any sign or billboard found so unsafe or dangerous as to be an imminent danger to persons or property by the Town Board of the Town of Fox Lake shall be summarily removed by the Town of Fox Lake without any notice to the owner of the sign or billboard or to the owner of the land wherein the sign or billboard is located.

No sign or billboard shall obstruct or interfere in any way with the effectiveness or visibility of any traffic sign, railroad sign, signal or device located in the Town of Fox Lake.

No sign or billboard shall be placed in the Town of Fox Lake in such a way as to cause glare or to impair the visibility of any vehicle operator driving upon public roadways in the Town of Fox Lake.

## **Section 5: Special Permit**

### **a. Sign Permit**

#### **1) Coverage**

Every person, pursuant to Sec. 84.30, 86.19, 86.191, 86.192, 86.195 and 86.196 Wis. Stats., and this ordinance, in the Town of Fox Lake who installs, operates and maintains signs or billboards, unless the particular sign or billboard is exempt from this ordinance, unless the particular sign or billboard is prohibited from installation, operation or maintenance or unless the sign or billboard is a non-conforming use sign or billboard, then the person responsible for maintaining the sign or billboard shall seek and obtain a sign permit from the Town of Fox Lake. The fees shall be annually established by the Town Board of the Town of Fox Lake prior to June 1<sup>st</sup>. The fee shall be twenty-five dollars (\$25.00). The sign permit shall be issued from July 1 of one year to June 30 of the next year. The permit shall be issued by the Town Clerk/Treasurer of the Town of Fox Lake prior to the installation of the sign or billboard in the Town of Fox Lake.

## 2) Application/Permit

The application and permit shall designate the premises where the sign or billboard will be installed and maintained. The sign permit is not transferable to any other location in the Town of Fox Lake. The sign permit is not transferable from one person to another.

The application shall include the following:

- a) the name of the applicant/sign owner
- b) the address of the applicant/sign owner
- c) the business and residential telephone number of the applicant/sign owner
- d) the name, address and telephone number of sign constructor, if different
- e) the name, address and telephone number of owner of property where sign is to be located
- f) the type of sign: (note one of the following)
  - 1) wall/building sign
  - 2) on premise ground sign
  - 3) off premise ground sign
  - 4) window sign
- g) the projected dates of display
- h) the proposed date of removal
- i) the sign plan for repair, maintenance and removal
- j) a signed indemnification to the Town of Fox Lake by sign owner against all loss, cost, damages or expenses incurred by the Town of Fox Lake due to construction, repair, maintenance and removal of sign.
- k) the size of sign
- l) a map or diagram of the sign and its location
- m) copies of all necessary state permits

## 3) Exemptions

The following signs and billboards are exempt from this ordinance:

- a) Unlighted political signs that are placed with permission of owner or occupant on private property placed within ninety (90) days before an election and removed within thirty (30) days after the election. No person shall place any political signs on any highway or town road right-of-way or on public land in the Town of Fox Lake.
- b) Lighted or unlighted governmental traffic signs, utility signs or railroad signs.
- c) Lighted or unlighted residential identification signs placed by the Town of Fox Lake, including fire call number signs and street and road identification signs
- d) Lighted or unlighted residence identification or name plate signs that are no more than eight (8) square feet in size placed on the residential property by the owner or occupant of residents.
- e) Unlighted “no trespassing” signs or other land use direction signs that are no more than twelve (12) square feet in size placed at the property with permission of the owner or occupant of residents.
- f) Unlighted “garage sale” signs and unlighted “auction sale” signs that are no more than twelve (12) square feet in size. These signs can only be placed on land with permission of owner or occupant of the private property within fourteen (14) days

- before the event and shall be removed within seven (7) days after the event. No person shall place the above-noted type of sign on any highway or turn right-of-way or on public land in the Town of Fox Lake without approval of the Town Board of the Town of Fox Lake.
- g) Unlighted real estate “for sale” or unlighted real estate “for rent” signs that are no more than twelve (12) square feet in size. These signs can only be placed on land with permission of owner or occupant of the private property and must be removed when the transaction is completed. No person shall place the above-noted type of sign on any highway or turn right-of-way or on public land in the Town of Fox Lake without approval of the Town Board of the Town of Fox Lake.
  - h) Lighted or unlighted flags, pennants, or insignias of governmental, religious, financial or non-profit organizations.
  - i) Unlighted signs with lettering less than six (6) inches in diameter and with the sign less than twelve (12) square feet in size.
  - j) Unlighted signs for special events, including sales, seasonal events and construction, repair or demolition, advertising in the Town of Fox Lake that are no more than twenty-four (24) square feet in size. These signs can only be placed on land with permission of owner or occupant of the private property within sixty (60) days before the event and must be removed within thirty (30) days after the event. No person shall place the above-noted sign on any highway or town right-of-way or on public land in the Town of Fox Lake without the approval from the Town Board of the Town of Fox Lake. No person shall place the above-noted sign on any highway or town right-of-way or on public land in the Town of Fox Lake.

#### 4) Ordinance/Permit

- a) The persons subject to this ordinance shall comply with Sec. 84.30, 86.19, 86.191, 86.192, 86.195 and 86.196 Wis. Stats., and this ordinance.
- b) The Town Clerk/Treasurer of the Town of Fox Lake shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.
- c) The applicant and any other person subject to this ordinance shall comply as follows:

No person shall be issued or re-issued a sign permit in the Town of Fox Lake until the appropriate fee has been paid to the Town Clerk/Treasurer of the Town of Fox Lake.

No person shall be issued or re-issued a sign permit in the Town of Fox Lake who has failed to properly and fully complete and submit to the Town Clerk/Treasurer of the Town of Fox Lake the application form as developed and provided by the Town of Fox Lake.

No person shall be issued or re-issued a sign permit in the Town of Fox Lake if the applicant:

- a) fails to install and provide necessary and safe structurally sound permanent or temporary structures to hold and maintain the sign or billboard
- b) fails to install and provide adequate and safe physical structures and equipment to prevent or control a public nuisance or to protect the public health and safety to persons near the sign or billboard.

## E. Waste Management Ordinance

### **Section 1: Title/Purpose**

This ordinance is entitled the “Town of Fox Lake Waste Management Ordinance”. The purpose of this ordinance is to control the collection and/or disposal of solid waste or hazardous waste so as to maintain a healthy environment for the citizens and visitors of the Town of Fox Lake.

### **Section 2: Authority**

The Town Board of the Town of Fox Lake has the specific statutory authority, powers and duties, pursuant to the specific sections in Chapter 144, (1994) Wis. Stats., sections noted in this ordinance and/or by its adoption of village powers under Sec.60.10 Wis. Stats., to regulate, control, license, register or permit in the Town of Fox Lake persons engaged in certain uses, activities, businesses and operations, to assess these persons with appropriate fees for licenses, registrations or permits as noted herein and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the licenses, registrations and permits.

### **Section 3: Adoption of Ordinance**

The Town Board of the Town of Fox Lake has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance license, registration and permit ordinances to regulate and control, by ordinance:

- a. persons engaged in certain uses, activities, businesses and operations in the Town of Fox Lake,
- b. to regulate, by these licenses, registrations and permits, the persons engaged in these uses, activities, businesses and operations at certain locations within the Town of Fox Lake,
- c. to assess these persons with appropriate fees for the licenses, registrations or permits, and
- d. to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the license, registration and permit.

### **Section 4: General Provisions**

The Town of Fox Lake prohibits any solid waste or hazardous waste discharge on any public or private land in the Town of Fox Lake by any person, except in containers authorized by this ordinance or authorized by order of the Town Board of the Town of Fox Lake or except in permitted or exempted waste facilities or recycling operations authorized by this ordinance or authorized by order of the Town Board of the Town of Fox Lake. The Town of Fox Lake prohibits the littering of solid waste or hazardous waste by any person on any public or private land in the Town of Fox Lake without written approval of the Town Board of the Town of Fox Lake.

The Town of Fox Lake prohibits any person not authorized by the Town of Fox Lake from collecting, scavenging and or removing any solid waste or hazardous waste from the property owned or leased by a third party or from lands owned or leased by the Town of Fox Lake or from other public lands where the solid waste or hazardous waste has been deposited temporarily near or at the curbside, street, highway or road in the Town of Fox Lake for the intent and purpose of collection and removal of the waste by permitted waste transporters or other persons authorized by the Town of Fox Lake.

The Town of Fox Lake requires, unless specifically exempted by this ordinance or by order of the Town Board of the Town of Fox Lake, that all persons in the Town of Fox Lake, prior to

their placement of solid waste for collection and removal by the Town of Fox Lake or by any person permitted or contracted to collect and remove waste by the Town of Fox Lake in the Town of

Fox Lake shall separate and shall remove the recyclable materials from the other solid waste. The recyclable materials shall be further handled, separated and prepared for collection and removal as follows:

- a. Newspapers shall be cleaned and bundled separately
- b. Magazines shall be cleaned and bundled separately
- c. Cardboard shall be cleaned and bundled separately
- d. Aluminum cans shall be rinsed, stripped of labels, if possible, and flattened
- e. Tin cans shall be rinsed, stripped of labels, if possible, and flattened
- f. Glass bottles should be rinsed, stripped of tops and separated in containers by color (brown, green and clear)
- g. Plastic jugs and bottles shall be rinsed, tops removed and separated in containers by type of plastic, if known

The Town of Fox Lake requires that recyclable materials properly prepared and separated shall be collected and removed from all residential, commercial and industrial establishments in the Town of Fox Lake by this Town or by any person permitted or contracted to collect and remove waste by the Town of Fox Lake. The recyclable material shall be properly separated and shall be contained in solid waste containers or receptacles for collection and removal, whenever possible. The Town of Fox Lake, as the responsible unit under Sec. 159.09 Wis. Stats., reserves the right to refuse to collect and remove any waste from any person in the Town of Fox Lake for recycling purposes if the waste is not properly separated, is contaminated or is otherwise in a condition that makes recycling infeasible.

The Town of Fox Lake or any person permitted or contracted to collect waste by the Town of Fox Lake in the Town of Fox Lake may refuse to collect and remove recyclable materials or other waste from any person or from a residential, commercial or industrial establishment in the Town of Fox Lake when the recyclable materials are not:

- a. properly contained and properly separated pursuant to this ordinance,
- b. uncontaminated,
- c. in a physical condition that allows the non-recyclable material to be disposed, treated or stored as a solid waste, or
- d. in a physical condition that make the solid waste feasible for recycling.

The Town of Fox Lake prohibits, unless specifically exempted by this ordinance or by order of the Town Board of the Town of Fox Lake, any recyclable materials, any solid waste or any hazardous waste to be deposited or discharged at any transfer station permitted by the Town Board of the Town of Fox Lake, any waste facility permitted by the Town Board of the Town of Fox Lake or any recycling operation permitted by the Town Board of the Town of Fox Lake at anytime that these stations, facilities or recycling operations are temporarily or permanently closed.

The Town of Fox Lake prohibits, unless specifically exempted by this ordinance or by order of the Town Board of the Town of Fox Lake, certain waste from being placed in any type of waste containers or receptacles in the Town of Fox Lake for any solid waste collection and solid waste removal and for any later disposal, storage, treatment or recycling, namely:

- a. Dead animals



- b. Feces
- c. Hazardous or toxic wastes
- d. Explosives
- e. Contaminated material
- f. Heavy metal materials
- g. Lumber, trees, brush and crates
- h. Dirt
- i. Rocks
- j. Bricks
- k. Concrete blocks
- l. Tires
- m. Appliances, including white goods (stoves, refrigerators and freezers)
- n. Construction waste, remodeling waste or demolition waste
- o. Waste oil
- p. Lead acid batteries

The Town of Fox Lake prohibits, unless specifically exempted by this ordinance or by order of the Town Board of the Town of Fox Lake, any person to place or permit another to place any waste in the waste containers or receptacles at any waste collection location in the Town of Fox Lake unless the waste placed in the waste container or receptacle was from the premises in the Town of Fox Lake serviced by the waste container or receptacle. Moreover, the Town of Fox Lake prohibits any person from placing any recyclable materials in the recycling containers or receptacles at any recycling collection location in the Town of Fox Lake unless the recyclable material placed in the recycling containers or receptacles was from the premises in the Town of Fox Lake serviced by the recycling container or receptacle.

The Town of Fox Lake prohibits, unless specifically exempted by this ordinance or by order of the Town Board of the Town of Fox Lake, any person from transporting in any motor vehicle or by any other means of transportation any solid waste, hazardous waste, recyclable materials or any wastes in an improper manner likely to lead to discharging, emptying or blowing of the waste from the vehicle or from other means of transportation onto sidewalks, roadways, streets, alleys, highways or other public or private lands in the Town of Fox Lake.

The Town of Fox Lake requires, unless specifically exempted by this ordinance or by order of the Town Board of the Town of Fox Lake, any persons owning or leasing real property in the Town of Fox Lake shall be responsible in a timely manner to collect and remove litter, recyclable materials and other waste from the property and to properly remove in a timely manner any discharges of solid waste, hazardous waste or recyclable material from their residential, commercial or industrial establishments in the Town of Fox Lake. These persons shall be responsible in a timely manner to reasonably keep the property in a clean and orderly condition and to avoid causing any private or public nuisance in the Town of Fox Lake.

The Town of Fox Lake prohibits, unless specifically exempted by this ordinance or by order of the Town Board of the Town of Fox Lake, any person from intentionally discharging or depositing any solid waste, hazardous waste, recyclable materials or any other waste material on or along any sidewalk, roadway, street, alley or highway in the Town of Fox Lake, in any water in the Town of Fox Lake, on the ice of any water in the Town of Fox Lake or on any public or private property in the Town of Fox Lake unless the premise is permitted for deposit or discharge of the particular waste by the Town Board of the Town of Fox Lake. The Town of Fox Lake prohibits any person from failing to remove, within thirty (30) days or otherwise abandon any automobile, boat or other vehicle in any waters in the Town of Fox Lake.

The above three prohibitions against discharging waste do not apply to any person who places solid waste or recyclable materials in a waste container or receptacle as authorized by order of the Town Board of the Town of Fox Lake and by this ordinance for solid waste collection and removal along any sidewalk, roadway, street, alley, highway or other public or private property in the Town of Fox Lake nor does it apply to any person who stores, disposes, treats, deposits or discharges solid waste or recyclable material in conformity with Chapters 30, 31, 144 or 147 Wis. Stats., or in conformity with any permit, license or other approval by the Wisconsin Department of Natural Resources or the Waste Facility Siting Board, in conformity with this ordinance or in conformity with a permit issued by the Town Board of the Town of Fox Lake.

The Town of Fox Lake requires, unless specifically exempted by this ordinance or by order of the Town Board of the Town of Fox Lake, any person storing, treating, disposing, discharging or depositing any type of waste in the Town of Fox Lake for the intent and purpose of disposal, storage, treatment or recycling or for any other reason shall dispose, store, treat, discharge or deposit such waste in a proper manner to not lead to or constitute a private or public nuisance in the Town of Fox Lake. This provision shall apply regardless if the person disposing, storing, treating, discharging or depositing the waste has a permit to discharge issued by the Wisconsin Department of Natural Resources or the Town of Fox Lake or otherwise is authorized to dispose, store or treat waste by the Waste Facility Siting Board, the State Department of Natural Resources or by the Town Board of the Town of Fox Lake.

The Town of Fox Lake prohibits, unless specifically exempted by this ordinance or by order of the Town Board of the Town of Fox Lake, any waste disposal facility permit to be issued for a premises in the Town of Fox Lake by the Town of Fox Lake until the Town Board of the Town of Fox Lake and other appropriate municipal bodies have approved any negotiated agreement pursuant to Sec. 144.445 Wis. Stats., or the Waste Facility Siting Board has issued an arbitration award pursuant to Sec. 144.445 Wis. Stat., and then only if the arbitration award issued by the Waste Facility Siting Board authorizes the construction of the waste facility at the premises herein noted and the applicant informs in writing the Town Board of the Town of Fox Lake that the waste facility construction will commence by a date certain. The Town Board of the Town of Fox Lake will not issue any permit for the disposal, storage, treatment, recycling, discharging or depositing of solid waste, hazardous waste, recyclable material or any other material at a waste facility or at a recycling operation in a residential zoning district, mobile home zoning district or agricultural-1 zoning district unless the waste facility was authorized by an order in an arbitration award by the Waste Facility Siting Board.

The Town of Fox Lake requires, unless specifically exempted by this ordinance or by order of the Town Board of the Town of Fox Lake, any person conducting a solid waste disposal facility, solid waste storage facility or solid waste treatment facility or recycling operation in the Town of Fox Lake shall conduct its construction, daily disposal, daily storage, daily treatment and daily recycling operations as well as its final closure and long term care operations in a manner to prevent dust, debris, dirt, waste and litter from being carried beyond the premises licensed by the State Department of Natural Resources and beyond the premises permitted by the Town of Fox Lake.

The Town of Fox Lake shall, by this ordinance, authorize collection and removal services for solid waste, recyclable materials and hazardous waste to be provided by persons permitted by the Town Board of the Town of Fox Lake. The services to be provided and authorized are as follows:

- a. Year round solid waste and recyclable material collection and removal services for residential establishments

- b. Seasonal solid waste and recyclable material collection and removal services for residential establishments
- c. Year round solid waste and recyclable material collection and removal services for commercial and industrial establishments
- d. Year round hazardous waste collection and removal services from all establishments

The cost of collection and removal services for the above mentioned waste and recyclable materials from seasonal and year round residential, commercial and industrial establishments shall be determined based on the cost of such services.

These costs for these services shall be charged as a special charge against the real property tax bill and paid with the real estate tax each year.

## **Section 5: Special Permit**

### **a. Waste Permit**

#### **1) Coverage**

The Town Board of the Town of Fox Lake shall not approve any permit unless the Town Board of the Town of Fox Lake is fully satisfied the applicant has been and will remain in reasonable compliance with the conditions of this ordinance, with the permit and with any conditions established by the Town Board of the Town of Fox Lake in the permit.

#### **2) Application/Permit**

The application and the permit shall designate the premises and areas in the Town of Fox Lake wherein the person requests the permitted use, activity or operation. The application and the permit shall describe the permitted waste use, waste activity or waste operation. The permit or conditions to the permit may not be amended if the person desires to change the designated premises or area, nor may it be transferred from one person to another. The application shall, at minimum, include:

- 1) the name of the applicant
- 2) the address of the applicant
- 3) the business and residential telephone number of applicant, if any
- 4) the type of permit requested, the application fee required, if any, and the bond required, if any
- 5) the application date
- 6) the general dates requested for hearing and for the issuance of any permit
- 7) the age of the applicant, if applicable
- 8) the agent of the applicant, if any
- 9) the designated premises or area in the Town of Fox Lake for waste use, waste activity or waste operation, including legal description and current zoning, if any
- 10) the proposed Plans of Operation for the activity or operation, including plans for construction, operation, maintenance, closure and long term care
- 11) the type and amount of equipment to be used in the operation or activity
- 12) the proposed plans for public nuisance control and environmental protection
- 13) the time line for construction, if any, the time line for operation and the time line for closure for the activity or operation
- 14) the amount, type and source of waste and the type of waste use, waste activity or waste operation permit requested

- 15) the likely routes of travel and hours of travel in the Town of Fox Lake for waste use, waste activity or waste operation
- 16) the past experience of the applicant in the use, activity or operation for which the permit is requested
- 17) copies of any initial site reports, feasibility reports or Plans of Operation submitted or to be submitted to state and federal agencies
- 18) if a waste facility or recycling operation, the names, addresses and telephone numbers of third parties likely to use the waste facility
- 19) if a waste facility, the likely hours and days of operation
- 20) if a waste facility, the likely maximum below surface topography and the likely maximum height above surface from commencement of operation to closure
- 21) if a waste facility, the likely active fill area to be requested for active fill area
- 22) if a waste facility, the auxiliary uses at or near the waste facility, if any
- 23) if a waste facility, the likely recycling operation at or near the premises
- 24) if a waste facility or recycling operation, the proposed plan, if any, to provide physical and personnel security at or near the premises
- 25) if a waste facility or recycling operation, the proposed plan, if any, for environmental testing and monitoring, including well testing
- 26) if a waste facility or recycling operation, the proposed need for additional and improved public services, including roadways, sewers and water
- 27) if a waste facility or recycling operation, the proposed closure plans and use for the premises after closure
- 28) if a waste facility or recycling operation, the proposed expansion plans at or near the premises
- 29) if a waste facility or recycling operation, the projected need for the waste facility in the Town of Fox Lake, County of Dodge and within fifty (50) miles of the premises
- 30) if a transporter, facility or recycling operation, the proposed plan, if any, to provide financial, environmental and legal protections for the Town of Fox Lake, its officers, its employees and its agents, along with persons residing near the premises
- 31) if a transporter, facility or recycling operation, the proposed plans for any emergency occurring as a result of waste use, waste activity or waste operation
- 32) if a transporter, facility or recycling operation is a corporation, copies of the financial statements and federal tax returns for the last five (5) years of the corporation, any parent corporation and subsidiary corporations. If transporter, facility or recycling operation is an individual, copies of the financial statements and federal tax returns for the last five (5) years.
- 33) if a transporter, facility or recycling operation, the proposed insurance coverage, if any, to be provided by the applicant or permittee for the Town of Fox Lake, its officers, its employees and its agents, along with other persons in the Town of Fox Lake
- 34) if a transporter, the type, amount and location of waste transported to any recycling operations on an annual basis and the recycling operation where waste will be processed
- 35) if a transporter, the type, amount and location of waste transported to disposal, storage or treatment facilities in the Town of Fox Lake on an annual basis
- 36) if a transporter, the proposed plan, if any, to prevent discharge and littering
- 37) any rezoning that must occur or any conditional use permits that must be issued

### 3) Exemptions

This ordinance shall not apply to or govern waste transportation to or waste disposal, waste storage, waste treatment and the waste facility, including recycling operations and incinerators, at any locations in the Town of Fox Lake where the waste transportation, waste disposal, waste storage, waste treatment and the waste facility, including recycling operations and incinerators by these persons, is under the specific control and specific direction of the Town Board of the Town of Fox Lake.

This ordinance shall not apply to or govern animal waste transportation, animal waste disposal, animal waste storage, animal waste treatment or animal waste land spreading by any persons wherein the animal waste is a by-product from an agricultural operation in the Town of Fox Lake and wherein the animal waste is transported to or disposed, stored, treated or land spread by the persons on land that the person or members of his or her family owns, occupies or leases within the Town of Fox Lake.

This ordinance shall not apply to or govern the waste facilities operated and maintained as sanitary privies, seepage beds or septic tanks which conform to any applicable ordinances in the Town of Fox Lake, shall not apply to or govern the disposal, storage or treatment of human waste products into any public domestic sewage system located in the Town of Fox Lake nor the land spreading of human waste in the Town of Fox Lake.

This ordinance shall not apply to or govern point source wastes subject to permit under Chapter 147 Wis. Stats., or its successor chapters.

This ordinance shall not apply to or govern facilities used for the land spreading of non-hazardous solid waste from a residential facility or agricultural operations where the owner, occupant or lessee of the land also owns, occupies or leases the land used for solid waste disposal.

This ordinance shall not apply to or govern waste facilities receiving only sludge from a publicly-owned treatment works or a privately-owned domestic sewage treatment works having a permit under Chapter 147 Wis. Stats., provided the sludge disposal is accomplished in accordance with the requirements of the permit.

This ordinance shall not apply to or govern waste facilities used for the land spreading of whey.

This ordinance shall not apply to or govern waste facilities used for the land spreading of vegetable waste from canned, frozen or preserved fruit and vegetable processing operations. Waste facilities operated and maintained as pit silos that are used for storage of by-products from fruit, vegetable or grain processing operations where such by-products are to be used for animal feed are exempt from this ordinance.

This ordinance shall not apply to or govern waste facilities operated and maintained as demolition waste disposal facilities having a design capacity of less than fifty thousand (50,000) cubic yards. Waste facilities operated and maintained as auto junk yards or as scrap metal salvage yards are exempt from this ordinance if the only product recycled at these facilities is scrap iron, steel or non-ferrous metal.

This ordinance shall not apply to or govern abandoned and closed waste facilities.

This ordinance shall not apply to or govern waste collection transfer stations.

This ordinance shall not apply to or govern litter containers and individual waste collection stations for residential, commercial and industrial solid waste.

4) Ordinance/Permit

- a) The persons subject to this ordinance shall comply with Chapters 60, 66, 144, 146, 160 and 823 Wis. Stats., and this ordinance.
- b) The Town Clerk/Treasurer of the Town of Fox Lake shall provide copies of this ordinance at no cost to any applicant requesting a copy under this ordinance.
- c) The applicant and the persons subject to this ordinance shall comply as follow

No person shall be issued or re-issued a waste management permit who has failed to properly and fully complete and submit to the Town Clerk/Treasurer of the Town of Fox Lake the application form developed and provided by the Town of Fox Lake, including the appropriate application permit fee and bond.

No person shall be issued or re-issued a waste management permit if the applicant or permittee:

- a) fails to specifically agree in writing to the conditions established by the Town Board of the Town of Fox Lake in the permit or fails to comply with any written agreement or conditions in the permit.
- b) fails to specifically agree in writing to specific conditions established by the Town Board of the Town of Fox Lake in the permit to provide appropriate financial and legal security for the Town of Fox Lake, its officers, its employees and its agents as determined by the Town Board of the Town of Fox Lake or fails to comply with any written agreement or conditions in the permit.
- c) fails to specifically agree in writing to specific conditions established by the Town Board of the Town of Fox Lake in the permit to require applicant to correct malfunctions or public nuisances at the waste facility or in the waste use, waste activity or waste operation in a timely manner upon notice by the Town Board of the Town of Fox Lake or fails to comply with any written agreement or conditions in the permit.
- d) fails to specifically agree in writing to specific conditions established by the Town Board of the Town of Fox Lake in the permit to require the applicant to maintain a complaint system and investigative system to receive oral and written complaints and to investigate these complaints from residents of the Town of Fox Lake regarding the waste facility or the waste use, waste activity or waste operation or fails to comply with any written agreement or conditions in the permit.
- e) fails to specifically agree in writing to specific conditions established by the Town Board of the Town of Fox Lake in the permit to have the applicant provide reasonable physical access to the waste facility in the Town of Fox Lake for inspection purposes to the Town Board of the Town of Fox Lake and its designees or fails to comply with any written agreement or conditions in the permit.
- f) fails to specifically agree in writing to specific conditions established by the Town Board of the Town of Fox Lake in the permit to have the applicant provide in a timely manner reasonable financial records regarding the waste facility operations or the

transportation operations in the Town of Fox Lake or fails to comply with any written agreement or conditions in the permit.

- g) fails to specifically agree in writing to specific conditions established by the Town Board of the Town of Fox Lake in the permit to have the applicant provide in a timely manner reasonable records regarding source, amount and type of waste involved with the waste facility operations or transportation operations in the Town of Fox Lake or fails to comply with any written agreement or conditions in the permit.
- h) fails to specifically agree in writing to specific conditions established by the Town Board of the Town of Fox Lake in the permit to have the applicant provide in a timely manner the names and addresses of transporters authorized to transport to and from the waste facility in the Town of Fox Lake or fails to comply with any written agreement or conditions in the permit.
- i) fails to specifically agree in writing to specific conditions established by the Town Board of the Town of Fox Lake in the permit to have the applicant only operate on certain hours and days for the waste facility operation or transportation operation in the Town of Fox Lake or fails to comply with any written agreement or conditions in the permit.
- j) fails to specifically agree in writing to specific conditions established by the Town Board of the Town of Fox Lake in the permit to have the applicant disclose immediately to the Town of Fox Lake any discharges by the applicant of solid waste or hazardous waste at any unauthorized locations in the Town of Fox Lake or fails to comply with any written agreement or conditions in the permit.
- k) fails to specifically agree in writing to specific conditions established by the Town Board of the Town of Fox Lake in the permit to have the applicant disclose any groundwater, surface water or air pollution caused by applicant in the Town of Fox Lake or fails to comply with any written agreement or conditions in the permit.
- l) fails to specifically agree in writing to specific conditions established by the Town Board of the Town of Fox Lake in the permit to have the applicant disclose future expansion plans, if any, for the waste facility operations or for the transportation operations in the Town of Fox Lake or fails to comply with any written agreement or conditions in the permit.
- m) fails to specifically agree in writing to specific conditions established by the Town Board of the Town of Fox Lake in the permit to have the applicant comply with a closure plan and to the use of the waste facility after closure or fails to comply with any written agreement or conditions in the permit.