

Title 8

HEALTH AND SAFETY

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Chapter 8.04

ENFORCEMENT OF HEALTH REGULATIONS

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8.04.010 Regulation by Health Officer.

The Health Officer of the Village is authorized and empowered to make reasonable and general rules for the sanitary conduct and maintenance of all places of business operating in the Village under a permit. All such Rules and Regulations shall have the force of law and any violator thereof shall be subject to penalty as provided in Section 1.12.010. (Prior Code § 8.04).

8.04.020 Enforcement Duties of Officers.

It shall be the duty of the Health Officer to strictly enforce the provisions of this Chapter and see that all violations thereof are promptly abated and the violators thereof prosecuted, and it shall be the special duty of the Chief of Police, and Street Commissioner to give prompt attention and promptly report to the Health Officer in writing, every violation of this Chapter within said Village which shall have come to their knowledge. (Prior Code § 4.07).

8.04.030 Penalty for Violations.

Any person, firm or corporation violating any of the provisions of Sections 8.04.020, 8.12.010 and 8.16.010 shall be subject to penalty as provided in Section 1.12.010. (Editorially amended per approval by Village Board 7/8/96; prior Code § 4.08).

Chapter 8.08

LITTERING OF PUBLIC PLACES

Sections:

8.08.010 Throwing Unwholesome Substance upon Public Grounds.

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8.08.010 Throwing Unwholesome Substance upon Public Grounds.

No person or persons shall place or leave any of the following on, in or upon any street, gutter, ditch line, drainage way, sidewalk, alley or public grounds in this Village or upon or into any lake or waterway considered waters of the State under public doctrine: slops, water, any liquid of offensive smell, dead carcass, carrion, meat, fish, entrails, manure, dirt, straw, leaves, grass, branches, ashes, rubbish, garbage, refuse, or any kind of nauseous or unwholesome substance or matter. This Section shall not apply to material which remains behind after maintenance activities within any ditch line or drainage way such as lawn mowing. No material from maintenance activities outside the ditch line or drainage way may be placed or left as prohibited by this Section. Any person violating any provision of this Section shall be subject to penalty as provided in Section 1.12.010. Notwithstanding the foregoing, it shall be considered a violation of this Section for unauthorized persons to place or leave any of the aforementioned items in or immediately adjacent to the Village's Yard Waste Recycling Center or other similar Village facility and any person violating such provision shall be subject to a penalty of not less than five hundred dollars (\$500.00). (Ord. 2006-11-3; Ord. 2001-11-1 § 2; prior Code § 4.01).

8.08.030 Littering Highways and Waters--Penalty.

A. No person shall throw, deposit or permit to be blown or fall on any public street or highway between the lot lines, whether paved or unimproved, or upon the waters, public beaches or public walks within the Village, any ashes, dirt, papers, tin cans, bottles or any other rubbish, and any such violation by any occupant of a boat or motor vehicle shall constitute a violation on the part of the operator thereof. This Section shall not affect the placing of rubbish, garbage or of any other such waste material along the curb lines for the regular collection and disposal of the same by the garbage collectors in accordance with the Rules and Regulations of the Village. This Section shall also not apply with respect to salt, sand or other abrasive materials spread on the street or sidewalk because of ice or snow.

B. Penalty. Any person who violates any provision of the foregoing subsection A shall upon conviction of such violation be subject to a penalty as provided in Section 1.12.010. (Ord. 96-9-1 (part); editorially amended per approval by Village Board 7/8/96; Ord. passed 9/27/73; Ord. passed 6/8/70; prior Code § 4.11)

Chapter 8.12

GARBAGE

Sections:

8.12.010 Definition.

8.12.020 Storage Container Requirements.

8.12.021 Enclosure Requirements--Residential, Commercial, Multifamily and New Construction Storage of Garbage.

8.12.022 Unauthorized Dumping and Scavenging Prohibited.

8.12.030 Burning of Garbage Prohibited.

8.12.040 Enforcement.

8.12.010 Definition.

For the purpose of this Chapter the word “garbage” as used herein shall include all kinds of organic kitchen refuse resulting from the preparation of food, and all decayed or spoiled food products from any source whatever. (Prior Code § 4.05).

8.12.020 Storage Container Requirements.

A. Effective January 1, 1998, and with the exception of materials stored in recycling bins, all garbage must be stored in containers provided by the Village’s duly authorized garbage contractor.

B. All garbage containers shall be secured in a manner to prevent access by animals.

C. Property owners where garbage has been scattered, by animals or otherwise, shall have twenty-four (24) hours to remove such garbage. If the property owner fails to abate such nuisance by removing the garbage within twenty-four (24) hours, the Street Commissioner of said Village shall abate such nuisance pursuant to and in the manner described by the Village Board, and shall keep and certify to the Village Clerk/Treasurer an accurate account of the cost of such work, and in default of the payment of such cost as so certified by the Village Clerk/Treasurer to the owner or occupant of such premises the cost shall be and is levied upon such premises and the Clerk/Treasurer shall extend such cost on the next succeeding tax roll, and thereupon the said sum shall be collected and returned as delinquent in the manner prescribed by law for other taxes upon real estate. (Ord. 97-12-4; Ord. 94-9-1; prior Code § 4.09).

8.12.021 Enclosure Requirements-- Residential, Commercial, Multifamily and New Construction Storage Of Garbage.

A. All dumpsters or garbage cans and/or waste containers of any type used at or by all commercial developments, residential, multifamily, and business locations shall have a cover and/or covering such as a canvas or tarp-type cover, tied down so as not to allow animals and/or rodents to enter containers or dumpsters, and so that foul odors or fumes may not come forth from them, except during filling or emptying of said dumpsters, garbage cans or containers.

B. Commercial. Upon a written complaint, the storage of all dumpsters or garbage cans and/or waste containers of any type used at or by a commercial development or business location shall be shielded from public view and shall not be located or so arranged as to adversely affect the property values and general desirability of the neighborhood. Upon a written complaint, the Building Inspector may present such a case in writing to the department of sanitation for determination. A copy of such presentation shall be mailed to the alleged violator of this provision at least ten (10) days prior to the department of sanitation meeting, and they shall be permitted to present evidence in defense of their storage arrangement. The department of sanitation shall be entitled to issue written orders stating the manner and time in which such storage shall be enclosed or rearranged or relocated so as to eliminate such adverse effect. Disobedience of any such order shall subject the violator to the penalties provided in this Chapter.

C. Multi-Dwelling. All dumpsters or garbage cans and/or waste containers of any type used at or by multifamily housing complexes containing three (3) or more units, shall enclose the dumpster(s) and/or garbage cans in an area surrounded by a wooden, board-on-board fence, six (6) feet in height. The enclosure shall have adequate access for the removal of dumpsters and/or garbage cans.

D. New Construction and Remodeling Sites. These areas shall provide for construction material and debris only with a six (6) foot none-view enclosure, whether for permanent or temporary use and/or a dumpster that shall be covered when not being filled, emptied and at all times when such construction sites are left unattended at the close of a job site business day. Any temporary enclosures shall be removed as soon as practicable after the construction and/or remodeling is completed at said location. The location of the enclosure shall be determined by the Building Inspector. (Ord. 96-3-2; Ord. 95-8-1; Ord. 94-6-2).

8.12.022 Unauthorized Dumping and Scavenging Prohibited.

The following activities shall be prohibited in the Village:

A. Scavenging Prohibited. Garbage and/or recyclables placed at the curb in trash or recycling containers for collection shall remain the property of the owner or occupant of the premises at which the garbage and/or recyclables were disposed until such time as the garbage contractor or its authorized agent shall take possession of the garbage or recyclables. No person unauthorized by the owner or occupant or recycling/trash collector shall collect or cause to be collected any such items.

B. Unauthorized Dumping in Receptacles Prohibited. No person shall dump or permit to be disposed any unauthorized waste materials, yard waste or recyclable materials at any time in privately owned trash or recycling containers, unless such person receives specific authorization for utilization of the trash or recycling container by the owner or lessor thereof.

C. Penalties. Except as otherwise provided, any person who shall violate any provision of this Chapter or permit or cause a public nuisance shall be subject to a penalty and shall suffer a forfeiture of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) plus Court costs and in default of such payment may be imprisoned in the county jail for a period not to exceed ten days. Any person who shall be convicted of a second and subsequent offense within one year of the first conviction shall suffer a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1000.00) and in default of payment thereof shall be imprisoned for not more than twenty (20) days. Each day of a violation shall constitute a separate offense. The payment of forfeitures shall be in addition to any costs for cleanup and restoration as set forth within this Chapter. (Ord. 96-6-3).

8.12.030 Burning of Garbage Prohibited.

No person shall burn any garbage outdoors, whether in a burner or otherwise, on any private or public property within the Village. (Ord. 75-7-2).

8.12.040 Enforcement.

Enforcement of this Chapter shall be by the Chief of Police or his designee. (Ord. 97-9-6).

Chapter 8.15

RECYCLING

Sections:

- 8.15.010 Title.**
- 8.15.020 Purpose.**
- 8.15.030 Statutory Authority.**
- 8.15.040 Abrogation and Greater Restrictions.**
- 8.15.050 Interpretation.**
- 8.15.060 Severability.**
- 8.15.070 Applicability.**
- 8.15.080 Administration.**
- 8.15.090 Effective date.**
- 8.15.100 Definitions.**
- 8.15.110 Separation of Recyclable Materials.**
- 8.15.120 Separation Requirements Exempted.**
- 8.15.130 Care of Separated Recyclable Materials.**
- 8.15.140 Management of Lead Acid Batteries, Major Appliances, Waste Oil And Yard Waste.**
- 8.15.150 Preparation And Collection of Recyclable Materials.**
- 8.15.160 Responsibilities of Owners or Designated Agents of Multiple Family Dwellings.**
- 8.15.170 Responsibilities of Owners or Designated Agents of Nonresidential Facilities and Properties.**
- 8.15.180 Prohibitions on Disposal of Recyclable Materials Separated for Recycling.**
- 8.15.190 Enforcement.**

8.15.010 Title.

This Chapter shall be known as the “Recycling Ordinance for Recycling Regulation.”
(Ord. 94-12-1 (part)).

8.15.020 Purpose.

The purpose of this Chapter is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in Section 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code. (Ord. 94-12-1 (part)).

8.15.030 Statutory authority.

This Chapter is adopted as authorized under Section 159.09(3)(b), Wis. Stats. (Ord. 94-12-1 (part)).

8.15.040 Abrogation and Greater Restrictions.

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, Ordinance or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall apply. (Ord. 94-12-1 (part)).

8.15.050 Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this Chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of the Ordinance codified in this Chapter, or in effect on the date of the most recent text amendment to the Ordinance codified in this Chapter. (Ord. 94-12-1 (part)).

8.15.060 Severability.

Should any portion of this Chapter be declared unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Chapter shall not be affected. (Ord. 94-12-1 (part)).

8.15.070 Applicability.

The requirements of this Chapter apply to all persons within the Village of Twin Lakes, Wisconsin. (Ord. 94-12-1 (part)).

8.15.080 Administration.

The provisions of this Chapter shall be administered by the committee on public buildings, library, sanitation, recycling and of environmental issues. (Ord. 94-12-1 (part)).

8.15.090 Effective Date.

The provisions of this Chapter shall take effect on January 1, 1995. (Ord. 94-12-1 (part)).

8.15.100 Definitions.

For the purposes of this Chapter:

A. "Bimetal container". Means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

B. "Container board". Means corrugated paperboard used in the manufacture of shipping containers and related products.

C. "Foam polystyrene packaging". Means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

1. Is designed for serving food or beverages;

2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container;

3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

D. "HDPE". Means high density polyethylene, labeled by the SPI Code number 2.

E. "LDPE". Means low density polyethylene, labeled by the SPI Code number 4.

F. "Magazines". Means magazines and other materials printed on similar paper.

G. "Major appliance". Means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

H. "Multiple family dwelling". Means a property containing five or more residential units, including those which are occupied seasonally.

I. "Newspaper". Means a newspaper and other materials printed on newsprint.

J. "Nonresidential facilities and properties". Means commercial, retail, industrial, institutional and governmental facilities and properties.

K. "Office paper". Means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

L. "Other resins or multiple resins". Means plastic resins labeled by the SPI Code number 7.

M. "Person". Includes any individual, corporation, partnership, association, local governmental unit as defined in Section 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

N. "PETE". Means polyethylene terephthalate, labeled by the SPI Code number 1.

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

P. "Postconsumer waste". Means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Section 144.44(7)(a)I., Wis. Stats.

Q. "PP". Means polypropylene, labeled by the SPI Code number 5.

R. "PS". Means polystyrene, labeled by the SPI Code number 6.

S. "PVC". Means polyvinyl chloride, labeled by the SPI Code number 3.

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

U. "Solid waste". Has the meaning specified in Section 144.02(5), Wis. Stats.

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

W. "Waste tire". Means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

X. "Yardwaste". Means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetable material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls. (Ord. 94-12-1 (part)).

8.15.110 Separation of Recyclable Materials.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

- A. Lead acid batteries;
- B. Major appliances;
- C. Waste oil;
- D. Yard waste;
- E. Aluminum containers;
- F. Bimetal containers;
- G. Corrugated paper or other container board;
- H. Foam polystyrene packaging;
- I. Glass containers;
- J. Magazines;
- K. Newspaper;
- L. Office paper;
- M. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins;
- N. Steel containers;
- O. Waste tires. (Ord. 94-12-1 (part)).

8.15.120 Separation Requirements Exempted.

The separation requirements of Section 8.15.110 do not apply to the following:

- A. Occupants of a single-family and two (2) to four (4) unit residences, multiple family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 8.15.110 from solid waste in as pure a form as is technically feasible;
- B. Solid waste which is burned as a supplemental fuel at a facility if less than thirty (30%) percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel;
- C. A recyclable material specified in Section 8.15.110(E) through (O) for which a variance has been granted by the Department of Natural Resources under Section 159.11(2m), Wis. Stats., or Section NR 544.14, Wis. Administrative Code. (Ord. 94-12-1 (part)).

8.15.130 Care of Separated Recyclable Materials.

To the greatest extent practicable, the recyclable materials separated in accordance with Wis. Stats. Section 159.11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. (Ord. 94-12-1 (part)).

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

Occupants of single family and two (2) to four (4) unit residences, multiple family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

- A. Lead acid batteries shall be disposed of through a private concern or through the Village contracted service to the extent such service is available.
- B. Major appliances shall be disposed of through a private concern or through the Village contracted service to the extent such service is available.
- C. Waste oil shall be disposed of through a private concern or through the Village contracted service to the extent such service is available.
- D. Yardwaste shall be managed on-site or disposed of through a private concern, at the Village Yard Waste Recycling Facility if one exists or through the Village contracted service to the extent such service is available. (Ord. 2006-12-1 § 1, 2006: Ord. 94-12-1 (part)).

8.15.150 Preparation and Collection of Recyclable Materials.

Except as otherwise directed by the Village, occupants of single family and two (2) to four (4) unit residences shall do the following for the preparation and collection of the separated materials specified in Section 8.15.110(E) through (O):

A. Aluminum containers shall be rinsed clean of all food residues. Labels may be left on, and aluminum containers may be commingled with glass and plastic for curbside recycling.

B. Bimetal or tin containers shall be rinsed clean of all food residues. Labels may be left on, and bimetal containers may be commingled with glass and plastic for curbside recycling.

C. Corrugated paper or other container board shall be flattened, and may be loose, bundled or brown bagged for curbside recycling.

D. Foam polystyrene packaging shall be disposed of through a private concern.

E. Glass containers shall be rinsed, with lids and caps removed. Only glass bottles or jars used for food or beverages will be accepted for curbside recycling.

F. Magazines shall be accepted for curbside recycling.

G. Newspaper shall be accepted for curbside recycling.

H. Office paper shall be accepted for curbside recycling.

I. Rigid plastic containers shall be prepared and collected as follows:

1. Plastic containers made of PETE, (marked number 1), shall be rinsed clean of all food residues. Labels may be left on, and number 1 plastic containers may be commingled with glass and metal for curbside recycling;

2. Plastic containers made of HDPE, (marked number 2), shall be rinsed clean of all food residues. Labels may be left on, and number 2 plastic containers may be commingled with glass and metal for curbside recycling;

3. Plastic containers made of PVC, (marked number 3), shall be rinsed clean of all food residues. Labels may be left on, and number 3 plastic containers may be commingled with glass and metal for curbside recycling;

4. Plastic containers made of LDPE, (marked number 4), shall be rinsed clean of all food residues. Labels may be left on, and number 4 plastic containers may be commingled with glass and metal for curbside recycling;

5. Plastic containers made of PP, (marked number 5), shall be rinsed clean of all food residues. Labels may be left on, and number 5 plastic containers may be commingled with glass and metal for curbside recycling;

6. Plastic containers made of PS, (marked number 6), shall be rinsed clean of all food residues. Labels may be left on, and number 6 plastic containers may be commingled with glass and metal for curbside recycling;

7. Plastic containers made of other resins or multiple resins, (marked number 7), shall be rinsed clean of all food residues. Labels may be left on, and number 7 plastic containers may be commingled with glass and metal for curbside recycling.

J. Steel containers shall be rinsed clean of all food residues. Labels may be left on, and steel containers may be commingled with glass and plastic for curbside recycling.

K. Waste tires shall be disposed of through a private concern or through the Village contracted service to the extent such service is available. (Ord. 2006-12-1 § 2; Ord. 94-12-1 (part)).

8.15.160 Responsibilities of Owners or Designated Agents of Multiple Family Dwellings.

A. Owners or designated agents of multiple family dwellings shall do all of the following to recycle the materials specified in Section 8.15.110(E) through (O):

1. Provide adequate, separate containers for the recyclable materials;

2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program;

3. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility;

4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contract person or company, including a name, address and telephone number.

B. The requirements specified in subsection A of this Section do not apply to the owners or designated agents of multiple family dwellings if the post consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials

specified in Section 8.15.110(E) through (O) from solid waste in as pure a form as is technically feasible. (Ord. 2006-12-1 § 3; Ord. 94-12-1 (part)).

8.15.170 Responsibilities of Owners or Designated Agents of Nonresidential Facilities and Properties.

A. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in Section 8.15.110(E) through (O):

1. Provide adequate, separate containers for the recyclable materials;
2. Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program;
3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility;
4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

B. The requirements specified in subsection A of this Section do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 8.15.110(E) through (O) from solid waste in as pure a form as is technically feasible. (Ord. 94-12-1 (part)).

8.15.180 Prohibitions on Disposal of Recyclable Materials Separated for Recycling.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 8.15.110(E) through (O) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility. (Ord. 94-12-1 (part)).

8.15.190 Enforcement.

A. For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee or representative of the Village and for the contracted recycling company may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse to access to any authorized officer, employee or authorized representative of the Village and for the contracted recycling company who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

B. Any person who violates a provision of this Chapter may be issued a Citation of the Village Police Department to collect forfeitures. The issuance of a Citation shall not preclude proceeding under any other Ordinance or law relating to the same or any other matter. Proceeding under any other Ordinance or law relating to the same or any other matter shall not preclude the issuance of a Citation under this subsection.

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

1. Any person who violates Section 8.15.180 may be required to forfeit fifty dollars (\$50.00) for a first violation, two hundred dollars (\$200.00) for a second violation, and not more than two thousand dollars (\$2,000.00) for a third or subsequent violation.
2. Any person who violates a provision of this Chapter, except Section 8.15.180, may be required to forfeit not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1000.00) for each violation. (Ord. 94-12-1 (part)).

Chapter 8.16

NUISANCES

Sections:

- 8.16.010 Public Nuisances Prohibited.**
- 8.16.020 Public Nuisance Defined.**
- 8.16.030 Public Nuisances Affecting Health.**
- 8.16.040 Public Nuisances Affecting Peace And Safety.**
- 8.16.050 Accumulation of Junk And Trash.**
- 8.16.060 Abatement of Public Nuisances.**
- 8.16.070 Cost of Abatement.**
- 8.16.080 Penalty.**

8.16.010 Public Nuisances Prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village. (Ord. 96-7-7 (part)).

8.16.020 Public Nuisance Defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
 - B. In any way render the public insecure in life or in the use of property;
 - C. Greatly offend public morals or decency;
 - D. Unlawfully and substantially interfere with, obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public right-of-way or the use of public property.
- (Ord. 96-7-7 part).

8.16.030 Public Nuisances Affecting Health.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but such enumerations shall not be construed to exclude other health nuisances coming within the definition of Section 8.16.020.

- A. "Adulterated Food". A decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
 - B. "Unburied Carcasses". Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death;
 - C. "Breeding Places for Vermin, Etc". Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed;
 - D. "Stagnant Water". All stagnant water in which mosquitoes, flies or other insects can multiply;
 - E. "Garbage Cans or Other Trash Receptacles". Garbage cans or other trash receptacles which are not fly-tight;
 - F. "Noxious Weeds". All noxious weeds and other rank growth of vegetation;
 - G. "Water Pollution". The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances;
 - H. "Noxious Odors, Etc". Any use of property, substances or things within the Village admitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village;
 - I. "Street Pollution". Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- (Ord. 96-7-7 (part)).

8.16.040 Public Nuisances Affecting Peace and Safety.

The following acts, omissions, places, conditions and things are declared to be public health nuisances, affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 8.16.020.

A. "Illegal Buildings." All buildings erected, repaired or altered in violation of the provisions of the Ordinance of the Village relating to materials and manner of construction of buildings and structures within the Village;

B. "Obstruction of Intersections." All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;

C. "Tree Limbs." All limbs of trees which project over and less than fourteen (14) feet above any public sidewalk or less than ten (10) feet above any other public place;

D. "Dangerous Trees." All trees which are a menace to public safety;

E. "Noisy Animals or Fowl." The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises which greatly annoy or disturb a neighborhood or any considerable number of persons within the Village;

F. "Obstruction of Streets and Excavations." All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the Ordinance of the Village or which, although made in accordance with such Ordinance or kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit;

G. "Unlawful Assembly." Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk, or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets and sidewalks.

H. "Flammable Liquids". Repeated or continuous violations of the Ordinance of the Village or laws of the state relating to the storage of flammable liquids;

I. "Unlicensed Traps". Any unlicensed trap, snare, spring gun, set gun, net or other device which might entrap, ensnare or kill game, or any trap without a metal tag attached as required by law;

J. "Abandoned Structures". Any structure, including buildings, which has remained vacant, abandoned or unrepaired for such a period of time as to suffer damage, destruction in whole or in part, the defacing thereof is reported by a citizen complaint or reflected in police report permitting the entry or presence of minors or other trespassers upon the site, shall be considered a nuisance hereunder. The office of the Building Inspector shall, upon determining such structure or building exists, provide a written notice to the owner mailed to the address of the owner as indicated on the last property tax bill and any last known address, if different. Such notice shall be sent both with a return receipt and by first class mail. The notice shall describe all deficiencies respecting the vacant or abandoned building or structure, describe what actions are necessary to correct such deficiencies and give the owner a reasonable period of time, but not less than fourteen (14) days, to repair the same. Such notice shall further advise the owner that if the required corrections in securing the property from entry are not made within the prescribed period, the Village will secure the property and the cost thereof will be placed as a lien upon the property by adding such amount as an additional charge to the real estate taxes for such property. If the owner does not comply with the requirements of the notice, the Building Inspector shall obtain such corrective work as required by the notice, forwarding a statement relative to the costs thereof to the Village Clerk/Treasurer, who shall place such costs on the real estate tax bill as an additional charge for the year in which such statement was received. (Ord. 96-7-7 (part)).

8.16.050 Accumulation of Junk and Trash.

A. For the purpose of this Section, the following definitions shall be applicable:

1. "Motor vehicle". Means a vehicle which is designed for operation on land, which is self-propelled and can be used for transporting people or materials, and including, but not limited to, automobiles, trucks, buses, motorized campers, motor vehicles, motorcycles, motor scooters and tractors.

2. "Junked motor vehicles". Means any motor vehicle which has been wrecked or damaged in such a manner that it cannot safely or legally be operated.

3. "Nonoperative motor vehicle". Means a motor vehicle which is incapable of being safely or legally operated.

4. "Abandoned motor vehicle". Means a motor vehicle which, through disuse and failure to be used, remains in one location for a period of five (5) consecutive days or more; a motor vehicle which has been reported as stolen to any law enforcement agency; or, a motor vehicle which does not have affixed thereto a current motor vehicle license.

5. "Dismantled motor vehicles". Means any motor vehicle which has parts, accessories or equipment removed therefrom so that it cannot be operated legally upon any highway.

6. "Wrecked motor vehicle". Means any motor vehicle which has been damaged by collision either with a motor vehicle or a stationary object and parts of which are bent, broken or unattached so that it is rendered incapable of being safely or legally operated.

7. "Equipment". Means any part of a motor vehicle or any accessories for use thereon.

8. "Person". Means any individual, firm, partnership, corporation or association.

9. "Private property". Means any real property not owned by the federal government, state government, Village or other political subdivision.

10. "Removal". Means the physical relocation of a motor vehicle, and/or accessories or equipment.

11. "Discarded motor vehicle". Means a motor vehicle placed upon public, or private property without the permission or knowledge of the owner of said property and a motor vehicle the ownership of which the real estate owner is unaware.

12. "Junk". Means old iron, chain, brass, copper, tin, lead, other base metals, trailers, farm machinery and equipment, boats and other watercraft, or any parts thereof to be junked or demolished, taken apart or destroyed for salvage material, paper, waste paper, used lumber, or building material, paper clippings, rags, rubber, glass or bottles, and all articles and things discarded as manufactured articles composed of or consisting of any one or more of the articles mentioned, including industrial metal or scrap or other material commonly included within the term "junk."

13. "Trash". Means any rubbish, ashes, paper, dirt, discarded stones or bricks, tin cans, boxes, barrels, discarded wood and lumber, brush in any form of discarded vegetation, foundry sand and industrial waste of any kind or description.

B. Definition of Violation. Any person owning or having possession of any dismantled or partially dismantled or abandoned, junked, or wrecked, nonoperable or discarded motor vehicle or motor vehicle equipment or accessories shall not store or permit to be stored any such dismantled, partially dismantled, abandoned, junked, wrecked, nonoperable or discarded motor vehicle or any such equipment or accessories on any private, public or municipal property in the Village for a period of more than five (5) consecutive days, unless it is in connection with a junkyard, the operation of which has been authorized by the Village, and no person owning any private property in the Village as determined from the tax assessment records of the Village, shall store or permit to be stored or retain any such vehicles or accessories on such private property for more than five consecutive days. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided by this Code.

C. Exemptions. This Section shall not apply to the following:

1. Automobile sales or repair enterprises operated in a properly zoned area for such enterprises and provided that inside storage is provided for such motor vehicles;

2. Vehicles kept or stored on private property in a garage or other accessory building which conforms to Title 17 of this Code.

D. Enforcement.

1. Any person shall be deemed to have violated this Section at the expiration of five (5) days after being provided with notice of violation by the Police Department or Building Inspector.

2. Notice of violation shall be verbal or written and shall state that the violation of this Section has occurred and shall be directed to the owner of the real estate upon which the motor vehicle and/or accessories, equipment or junk are located. The notice shall indicate that the motor vehicle or motor vehicle accessories or equipment will be in violation if permitted to remain on the property for more than five (5) consecutive days from the date of the notice.

E. Removal Controlled.

1. No person, after notification has been given pursuant to this Section to remove any dismantled, partially dismantled, abandoned, junked, wrecked, nonoperable or discarded motor vehicle or motor vehicle accessories and equipment from any private property, shall move the same to any other private property upon which such storage is not permitted or onto any public highway, municipal property or public property.

2. If any dismantled, partially dismantled, abandoned, junked, wrecked, nonoperable or discarded motor vehicle or motor vehicle accessories and equipment is removed for noncompliance with this Section after receiving a proper notice and is subsequently returned to the same location, such action shall constitute an immediate violation and the Police Department or Building Inspector shall cause immediate removal of such items, with the costs incurred to be charged against the owner of the property on which such violation occurs.

F. Removal Enforced.

1. If the dismantled, partially dismantled, abandoned, junked, wrecked, nonoperable or discarded motor vehicle or motor vehicle accessories and equipment are not removed within the period fixed for such removal, the Building Inspector, Chief of Police or any member of his department designated by him may provide for a removal thereof by Village equipment and dispose of the same in any manner they deem desirable or they may requisition at Village expense a private towing company to remove the motor vehicle or motor vehicle accessories or equipment and dispose of the same in any manner prescribed by law.

2. The cost incurred by the Village or a private towing company to remove such dismantled, partially dismantled, abandoned, junked, wrecked, nonoperable or discarded motor vehicle or motor vehicle accessories and equipment shall be charged to the owner of the real estate upon which the motor vehicle or motor vehicle accessories or equipment is located and, if such costs and expenses are not paid within thirty (30) days from the date of billing by the Village, they shall be levied and assessed against the real estate upon which the motor vehicle or motor vehicle accessories or equipment are located and collected by the Village in the same manner as other real estate taxes are assessed and collected.

G. Removal from Public Street, Highway and Public Property.

1. No persons shall leave any dismantled, partially dismantled, abandoned, junked, wrecked, nonoperable or discarded motor vehicle, motor vehicle accessories and equipment on any public street, highway or upon any public property in the Village.

2. No persons shall leave unattended motor vehicle or motor vehicle accessories or equipment on any public street, highway or upon any public property in the Village for such time or under such circumstances as to cause the motor vehicle or motor vehicle accessories or equipment to appear to be abandoned. When any motor vehicle or motor vehicle accessories or equipment have been left unattended upon a public street, highway or upon any public property for more than forty-eight (48) hours the motor vehicle or motor vehicle accessories are deemed abandoned and considered a public nuisance.

3. Any such vehicle and/or accessories or equipment shall be summarily removed by Village equipment or a private towing company under the direction of the Building Inspector, Chief of Police or any member of his department designated by him. Notice shall be sent by certified mail to the owner of record of such vehicle and/or accessories or equipment if such owner can be ascertained by the exercise of reasonable diligence, of removal of the motor vehicle and/or accessories or equipment and the place where the same is stored and such notice shall further state that in the event such owner shall not reclaim such vehicle and/or accessories or equipment within five days from the date of such notice and pay the costs and expenses for such removal and storage charges, the same will be similarly disposed of in any manner deemed desirable by the Village. If such owner of record cannot be ascertained, notice as provided herein shall be given as a Class 1 notice in the official newspaper.

4. If the Building Inspector, Chief of Police or any member of his department designated by him determines that the motor vehicle, motor vehicle accessories or equipment has a value of less than one hundred dollars (\$100.00), the same may be summarily disposed of by the Building Inspector, Chief of Police or any member of his department designated by him by direct sale upon determination that the vehicle is not reported stolen and that storage of such vehicle prior to sale shall not be required.

5. The Chief of Police shall notify the Wisconsin Department of Transportation within five (5) days after the sale or disposal of any dismantled, partially dismantled, abandoned, junked, wrecked, nonoperable or discarded motor vehicle.

H. Junk and Trash. No persons shall accumulate or store or permit the accumulation or storage of any junk or trash upon any property in the Village, unless it is in connection with the operation of a junkyard or a dump which has received approval for operation from the Village. (Ord. 99-7-1; Ord. 96-7-7 (part)).

8.16.060 Abatement of Public Nuisances.

A. Enforcement. The Chief of Police, Chief of the Fire Department and Building Inspector shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this Section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does in fact exist.

B. Summary Abatement. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village president may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

C. Abatement After Notice. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten the great and immediate danger to the public health, safety, peace, morals or decency, he shall serve the notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within ten (10) days, the proper officer shall cause the nuisances to be removed as provided in subsection B of this Section.

D. Other Methods Not Excluded. Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the state.

E. Court Order. Except when necessary under subsection B of this Section, no Officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, shall apply to any Court having jurisdiction for an order assisting the abatement of the public nuisance. (Ord. 96-7-7 (part)).

8.16.070 Cost of Abatement.

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such costs shall be assessed against the real estate as a special charge. (Ord. 96-7-7 (part)).

8.16.080 Penalty.

Except as otherwise provided, any person who shall violate any provision of this Chapter or permit or cause a public nuisance shall be subject to a penalty and suffer a forfeiture of not less than the minimum penalty as provided in Section 1.12.010 or more than one thousand dollars (\$1,000.00) plus Court costs and in default of such payment may be imprisoned in the County Jail for a period not to exceed ten (10) days. Any person who shall be convicted of a second and subsequent offense within one (1) year of the first conviction shall suffer a fine of not less than the amount of fine suffered for the immediately previous offense or more than one thousand five hundred dollars (\$1,500.00) and in default of payment thereof shall be imprisoned for not more than twenty (20) days. Each day of a violation shall constitute a separate offense. The payment of forfeitures shall be in addition to any costs for cleanup and restoration as set forth within this Chapter. (Ord. 2004-4-6/2).

Chapter 8.17

EMERGENCY ALARM CONTROL

Sections:

- 8.17.010 Purpose and Intent.**
- 8.17.020 Definitions.**
- 8.17.030 Central Alarm Station.**
- 8.17.040 Audible or Visual Alarm Systems.**
- 8.17.050 Automatic Telephone Dialing Devices Prohibited.**
- 8.17.060 Private Alarm Companies.**
- 8.17.070 False Alarms.**
- 8.17.090 Repeated False Alarms--Public Nuisance.**
- 8.17.100 Alarms to be Disconnected.**
- 8.17.110 Notice of Termination.**
- 8.17.120 Appeal of Denial or Disconnect.**
- 8.17.130 Penalties and Forfeitures.**
- 8.17.140 Severability.**

8.17.010 Purpose and Intent.

The Police Department of the Village has permitted an alarm control board to be installed in the Police Department for the purpose of providing for the protection of persons and property by a system of alarm requiring the response of the Police Department and it is recognized that a well maintained alarm system is an aid in the detection of crime and the protection of persons and properties and other emergency situations, but that a negligently maintained system can cause not only undue burden to Law Enforcement Officers but create a potential risk of injury to Officers responding to the alarm, as well as risk of injury to members of the public, dilute the overall safety protection for the Village and add an additional expense to the taxpayers. Therefore, it is the purpose of this Chapter to establish regulation, standards and controls relating to the installation, use and termination of such alarms. (Ord. 83-11-1 (part)).

8.17.020 Definitions.

A. "Alarm," "police alarm" or "emergency control alarm". Is any mechanical or electrical device which upon being activated transmits a signal to the Police Department or to a central alarm system for the purpose of obtaining a response from the Police Department and any system or device which produces audible or visual signal to notify members of the public within the range of such signal of the described activity.

B. "False alarm". Is a signal from any alarm as defined in this Section resulting in response by the Police Department when a crime or emergency did not exist at the location of the alarm.

C. "Person". Means any individual, firm, partnership, association, corporation, owner, subscriber or an agent of such person.

D. "Subscriber". Means the owner or person who shall have the alarm system installed on the premises. (Ord. 83-11-1 (part)).

8.17.030 Central Alarm Station.

A. A central alarm board may be installed in the Twin Lakes Police Department at such location within the Department as the Chief of Police may designate. The cost of installation, maintenance and upkeep of the central alarm board shall be the responsibility of the Village.

B. The Chief of Police shall determine the number and type of alarm owners or alarm leases which may be connected to the central alarm station. No person shall be connected to the central alarm station unless the subscriber shall make application to and receive approval of the Chief of Police and pay a monthly connection fee of thirty-five dollars (\$35.00) per system connection. The Chief of Police shall provide application forms to subscribers which application shall contain an indemnification and hold harmless agreement to the Village, its Officers and employees for any act or omission to act on the part of Village, its Officials, Officers, Agents, Police Departments or employees for the installation, operation and upkeep of or response to or failure to respond to an alarm system. This thirty-five dollar (\$35.00) fee shall not apply to governmental units of the Village.

C. Priority of Alarm. The Chief of Police shall give priority for connection to the central alarm system for persons required by State or Federal Law to maintain such a system on their premises.

D. Alarm Installation and Maintenance. All persons who shall receive an approval of their applications for connection to the central alarm station shall comply with the following conditions:

1. Pay all costs of installation and connection, maintenance and upkeep of the alarm system;
2. All alarm system equipment must meet minimum Underwriter Laboratories alarm device standards and be compatible with the existing central alarm equipment;
3. Pay all costs of disconnection, termination or reconnection of service whether such disconnection or termination is initiated by the Chief of Police or by the subscriber;
4. Perform such regular testing and maintenance of the alarm system in accordance with regular rules and procedures as required by the Chief of Police and cause the alarm system to be periodically inspected and maintained in accordance with the manufacturer's recommendations;
5. No alarm system may be installed until the subscriber shall sign an indemnification and hold harmless agreement for the Village, its Officials, Officers and employees harmless from any and all damages or losses resulting directly or indirectly from an alarm connection or use of or response to an alarm system.

(Ord. 99-12-1; Ord. 83-11-1 (part)).

8.17.040 Audible or Visual Alarm Systems.

Any person who shall install, maintain audible or visual alarm system shall use the alarm equipment which meets minimum Underwriter Laboratories alarm device standards and shall cause said alarm to be regularly tested, inspected and maintain such equipment in accordance with manufacturer's recommendation to insure that such equipment is in a proper operating condition. No audible alarm shall be installed which when activated, emits a sound the same or similar to civil defense sirens or emergency vehicle sirens. (Ord. 83-11-1 (part)).

8.17.050 Automatic Telephone Dialing Devices Prohibited.

No persons shall use or cause to be installed any telephone or electronic device or attachment that automatically selects the telephone numbers of the Police Department and produces a prerecorded message to report a crime or other emergency. (Ord. 83-11-1 (part)).

8.17.060 Private Alarm Companies.

Any person engaging in the business of monitoring alarm systems shall be responsible for monitoring, maintenance and use of the private central alarm station and shall pay the false alarm charges set forth in this Chapter. A private alarm company shall provide the Chief of Police with a telephone number and the individual responsible for the upkeep, installation and maintenance of such service. (Ord. 83-11-1 (part)).

8.17.070 False alarms.

No persons shall intentionally cause the activation of an alarm device or system, if such person knows that no crime or emergency exists which would require response by law enforcement officers. (Ord.83-11-1 (part)).

8.17.090 Repeated False Alarms--Public Nuisance.

A. Repeated false alarms as defined in this Section are declared to be a public nuisance and may be abated by the Police Department as hereinafter set forth or as any other public nuisance. For the purpose of this Section, a repeated false alarm shall mean the activation of an alarm system, whether through mechanical failure, malfunction of the system, improper installation or by negligence of the owners, or lessees of the system, including those engaged in the business of monitoring alarm systems, or by any employee or agent of said owners, lessees or monitoring business.

The occurrence of four (4) or more false alarms in any one calendar year by any person who shall have or use an alarm system as defined herein, or if anyone engaged in the business of monitoring alarm systems intended a response from the Police Department, that person shall pay the Village a charge for responding to a false alarm according to the following schedule for each calendar year:

1. Fourth false alarm in a calendar year \$25.00
2. Fifth false alarm in a calendar year \$50.00
3. Sixth and each subsequent false alarm in a calendar year \$75.00

B. It is the purpose of this Section consistent with the intent set forth in this Chapter, to impose a strict

liability on any person responsible for alarms, whether such person be monitoring an electrical or mechanical design, or a person engaged in the business of monitoring systems.

C. The Chief of Police shall notify the person responsible for the system producing the false alarms, of the charges as set forth herein, and in the event that said charges are not paid within sixty (60) days, the Chief of Police may disconnect the alarm, or discontinue responding to the monitoring system. (Ord. 93-6-1; Ord. 91-1-1; Ord. 83-11-1 (part)).

8.17.100 Alarms to be Disconnected.

A. Failure to comply with any provision of this Chapter or repeated false alarms shall be cause for an alarm system to be disconnected from the Police Department's central alarm station.

B. The Chief of Police, at his discretion, may require the immediate disconnection of any alarm system if technical failure or defects, or sensitivity of the alarm system result in continued or sporadic false alarms. Failure to pay the service charges resulting from false alarms shall also result in disconnection of the alarm system. (Ord. 83-11-1 (part)).

8.17.110 Notice of Termination.

Notice of termination of rights or disconnection under this Chapter shall be given in writing by the Chief of Police to the subscriber or the subscriber's agent as set forth on the subscriber's application. Notice shall be completed upon deposit in the United States mail addressed to the subscriber or the subscriber's agent at least ten days before termination or disconnection by the Chief of Police. (Ord. 83-11-1 (part)).

8.17.120 Appeal of Denial or Disconnect.

Any person who shall be aggrieved by any decision of the Chief of Police under this Chapter, may appeal in writing to the Police Committee of the Village Board by addressing such appeal in writing to the Village Clerk/Treasurer, within fifteen (15) days after receipt of notice of disapproval or disconnect by the Chief of Police. The Police committee shall hear such appeal upon ten days notice of hearing, which may be at a regular Police Committee meeting or at a Special Meeting called by the chairman of the committee for the special purpose of hearing the appeal. (Ord. 83-11-1 (part)).

8.17.130 Penalties and Forfeitures.

Any person shall, upon conviction of a violation of any provision of this Chapter, forfeit not less than one hundred dollars (\$100.00) or more than three hundred dollars (\$300.00) for the first such offense and not less than two hundred fifty dollars (\$250.00) or more than five hundred dollars (\$500.00) for a second offense of this Chapter within one (1) year. Upon any default of payment thereof, convicted person shall be imprisoned in the Kenosha County jail for a period of not more than thirty (30) days for each conviction. Nothing in this penalty Section shall prohibit the additional remedies set forth in this Chapter of disconnection by the Chief of Police or proceeding against the violation as a public nuisance action. (Ord. 83-11-1 (part)).

8.17.140 Severability.

This Chapter shall be liberally construed to give effect to its purpose, recognizing that the installation, maintenance, service, upkeep and response to the alarm systems defined herein is not a matter of right for the subscriber. If any portion of this Chapter shall be declared invalid or of no force and effect, it shall not affect the validity of the remainder of this Chapter, which shall remain in full force and effect. (Ord. 83-11-1 (part)).

Chapter 8.20

FIRES

Sections:

- 8.20.010 Fires Prohibited.**
- 8.20.020 General Regulations.**
- 8.20.030 Permitted Fires.**
- 8.20.040 Bonfires.**
- 8.20.050 Fires Maintained in Buildings.**
- 8.20.060 Transporting Fire.**
- 8.20.070 Security Key and Vault System.**

8.20.010 Fires Prohibited.

No person, firm or corporation shall kindle, start or maintain a fire in the open air, within the Village, with or without the use of a burner or container, except as otherwise provided in this Code. (Ord. 2003-10-1 (part)).

8.20.020 General Regulations.

In any situation when burning is allowed under this Chapter or Code, the following regulations shall apply:

A. Burning Prohibited in Certain Areas. No person shall burn any wood, grass, leaves, rubbish or other combustible materials upon the streets, alleys, gutters, ditch lines, other drainage ways, fire lanes, within fifteen (15) feet of the Ordinary High Water Mark, nor closer than ten (10) feet from any building, or closer than fifteen (15) feet from a property line in the Village at any time. In addition to any penalty as provided in Section 1.12.010, any person violating any provision of this Section shall be subject to payment of restitution for damage.

B. Certain Materials Prohibited. Only wood or dry natural vegetative matter such as leaves may be burned as permitted by this Chapter. Wood or material treated with chemical preservatives, artificial finishes such as varnish, stain, or paint, or other such substance which is not naturally occurring on the wood shall be prohibited from all fires. In addition, the burning of rubbish, trash, junk or construction material is prohibited.

C. No fires may be maintained in a container not specifically designed for such purpose. The use of drums, barrels, garbage containers or other similar containers, whether in whole or in part, is expressly prohibited.

D. If, in the opinion of the Director of Health and/or the Fire Chief or his designee, conditions exist which could cause a health or safety hazard, any one of the aforementioned officials is authorized to ban all open burning.

E. All fires kindled, started or maintained in the open air, regardless of whether or not they are within a container must be attended by an adult at all times until such fire is completely extinguished. Such adult shall have the physical ability and means by which to control said fire and to notify proper authorities in the event control of the fire is lost.

F. Smoke, material, or heat emanating from any permitted fire shall not be an annoyance or discomfort to the neighborhood or the traveling public. Complaints of discomfort or annoyance must be substantiated through articulated facts verified by a Village Police Officer or Village Fire Department Officer.

G. Village Police Officers and Village Fire Department Officers may order fires extinguished if in their opinion a recreational fire creates a safety concern.

H. Any fire which is extinguished by the Fire Department as a result of a violation of this Chapter shall be subject to a charge for the Department's time and equipment in addition to any other penalty as provided. (Ord. 2003-10-1 (part)).

8.20.030 Permitted Fires.

The following fires may be maintained in the open air without specific permission of the Village subject to the provisions of this Chapter:

A. Fires for the purpose of burning leaves and plant clippings, not including wood, only on private property between the hours of seven (7:00) a.m. and seven (7:00) p.m. during the period running from the first day of September through the thirty-first day of May annually. (Ord. 2010-5-1)

B. Fires for the purpose of cooking or preparing foods, only in a substantial burner built of metal, concrete, brick, stone, or clay. Any fire maintained for this purpose that utilizes a liquid or gas fuel shall be contained

within an appropriate container designed for that purpose and shall utilize an appropriate burner with required safety devices. Commercially available grills may be used within ten (10) feet of a building, provided that ample separation is maintained to prevent damage to the building and attachments to the building.

C. Fires for the purpose of recreation (e.g. campfires), which shall be limited to fires containing only wood material and not leaves or other material allowed under this Chapter with a flame not to exceed four (4) feet in height from the base of the fire, not greater than thirty (30) inches in diameter, and encircled in material of metal, concrete, brick, stone or earth or in a substantial burner built of metal, concrete, brick, stone, or clay to prevent the fire from spreading.

D. Small commercial torches or candles maintained for decoration or ambiance provided adequate measures are taken to prevent damage to structures or fixtures. (Ord. 2003-10-1(part)).

8.20.040 Bonfires.

A. Defined. A bonfire shall be defined as any fire which is not defined elsewhere in this Chapter. The definition of bonfire shall not include building, structure or vehicle fires.

B. Permit Required. It is unlawful for any person, organization, firm or corporation to start any bonfire within the Village limits without first procuring a permit from the Fire Chief or his designee.

C. No person shall build a bonfire within one hundred (100) feet of any building within the Village, or in any place or at a time when such bonfire shall be dangerous to persons or property. (Ord. 2003-10-1(part)).

8.20.050 Fires Maintained in Buildings.

A. The owner or occupant of any building or any person or corporation engaged either as a contractor, workman or in any other capacity in any work upon any building who maintains a fire in any building within this Village in a stove, salamander, or other similar contrivance without having some person at all times present in such building to attend such fire unless a fireproof substance is at all times maintained immediately under the same and unless the same is connected with the outside of the building by means of a noncombustible pipe or chimney in such manner that all of the smoke and gases arising from such fire are conducted directly to the outside of said building, shall be subject to penalty as provided in Section 1.12.010.

B. No open flame candles or other open flame fixtures shall be used in any building or structure, except within a private home and except within duly constituted church or lodge buildings or structures. Unattended open flame candles or other open flame fixtures shall not be used in seated areas of any public assembly rooms or buildings.

C. No open flame candles or open flame fixtures, unless guarded, shall be used for lighting or decorative purposes in any buildings or structures used for public amusement, recreation or dining purposes. (Ord. 2003-10-1(part)).

8.20.060 Transporting Fire.

No person shall carry, keep or maintain any fire in, through or upon any public thoroughfare or premises, except within a closed, secure pan, vessel or vehicle as approved by the Village Board. (Ord. 2003-10-1(part)).

8.20.070 Security Key and Vault System.

A. Knox Box Required. The Knox Box system has been adopted for use by the Fire Department. A Knox Box shall be installed in all existing or newly constructed buildings which have an automatic alarm system which is monitored. Further, within two (2) years of the adoption of the Ordinance codified in this Chapter, all commercial or industrial buildings with an automatic alarm system, including multifamily buildings, shall install the Knox Box system in coordination with the Fire Department. For the purposes of this Section, multifamily buildings shall be defined as those with four (4) or more units and a common entrance.

B. Installation. The Knox Box shall be installed at owner's or occupant's expense at such locations as designated by the Fire Chief. (Ord. 2013-8-1 (A); Ord. 2003-10-1 (part)).

Chapter 8.24

FIREWORKS

Sections:

8.24.010 Prohibited Generally.

8.24.020 Permitted Uses.

8.24.030 Bond Requirement.

8.24.040 Blank Cartridges, Flares, Etc. Excepted.

8.24.050 Wholesaler, Dealer Or Jobber.

8.24.060 Storage and Handling.

8.24.070 Prohibited Fireworks.

8.24.080 Liability of Parent or Guardian.

8.24.090 Enforcement.

8.24.100 Penalty for Violations.

8.24.110 Exceptions.

8.24.120 License Required for Sale of Permitted Fireworks.

8.24.010 Prohibited Generally.

It is unlawful for any person to sell, expose or offer for sale, use, keep, discharge or explode any firecrackers, bottle rocket, cherry bomb, smoke bomb, toy cap, blank cartridges, toy pistols or cannons, toy canes or cannons in which explosives are used, contrivances using explosive caps or cartridges, sparklers, display wheels, the type of balloon which requires fire underneath to propel the same, torpedoes, sky rockets, roman candles, aerial salutes, American or Chinese bombs or other fireworks of like construction, or any fireworks containing any explosive or flammable compound, or any tablets or other devices commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other explosives, within the Village except as hereinafter provided.

8.24.020 Permitted Uses.

Nothing contained in this Chapter shall prohibit the use of fireworks other than those prohibited by Section 8.24.070 for pyrotechnic displays given by public authorities, fair associations, amusement parks, park boards, civic organizations or groups of individuals or for the protection of crops from predatory birds or animals by agricultural producers that have been granted a permit for such display or protective use by the President of the Village or his designee, and permits issued for crop protection shall state the type of fireworks to be used for such purpose, and the owner or lessee of said land on which said fireworks are installed shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

8.24.030 Bond Requirement.

The issuing Officer may require an indemnity bond with good and sufficient sureties for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under such permit. Such bond, if required, shall be taken in the name of the Village and any person injured thereby may bring an action on said bond in his own name to recover the damage he has sustained, but the aggregate liability of the surety to all persons shall in no event exceed the amount of such bond. The bond, if required, together with a copy of the permit shall be filed in the office of the Village Clerk/Treasurer.

8.24.040 Blank Cartridges, Flares, Etc. Excepted.

Nothing contained in this Chapter shall prohibit the use or sale of blank cartridges for circus or theatrical purposes, or signal purposes in athletic contests or sports events, or use by militia, police or military organizations; nor the use or sale of colored flares or torpedoes for railway, aircraft or highway signal purposes.

8.24.050 Wholesaler, Dealer Or Jobber.

Nothing in this Chapter shall be construed to prohibit any resident wholesaler, dealer or jobber from selling

fireworks other than those prohibited by Section 8.24.070 at wholesale, but only when the same are shipped or delivered directly outside of the state or to an organization, agricultural producer or group granted a permit under Sections 8.24.020 and 8.24.030.

8.24.060 Storage And Handling.

The following provisions shall apply to places where fireworks are stored or handled:

A. Such premises shall be equipped with fire extinguishers approved by the Fire Chief or Chief Engineer of the Fire Department;

B. Smoking shall be prohibited where fireworks are stored or handled;

C. It is hereby made the duty of every wholesaler, dealer or jobber keeping, storing or handling, within the Village, fireworks of any description to notify the Fire Chief or Chief Engineer of the Fire Department in the community immediately of the receipt of such fireworks, or the removal thereof from one location to another, and the location where such fireworks are stored. No such fireworks shall be stored in any building used for dwelling purposes or in any building situated within fifty (50) feet of any building used for dwelling purposes, or in places of public assemblage, or within fifty (50) feet of any gasoline pump, gasoline filling station or gasoline bulk station, or any building in which gasoline or volatile liquid is sold in quantities in excess of one (1) gallon.

8.24.070 Prohibited Fireworks.

Except as provided in Section 167.10(3) of the Wisconsin Statutes, under no circumstances shall any person sell, keep for sale, manufacture or bring into this Village for use therein any fire balloon, mortars (excepting mortars used for special display purposes), cannon, or any explosive can, toy pistol, toy revolver or other contrivance using explosive caps or cartridges, any Chinese firecrackers, or any article containing a compound of mercury or yellow phosphorus.

8.24.080 Liability Of Parent Or Guardian.

A parent or legally appointed guardian of any minor who knowingly permits such minor to purchase or have in his possession or to discharge any fireworks forbidden by this Chapter shall be deemed to have violated this Chapter and such parent or guardian shall be personally liable for any damage caused by such possession or discharge of fireworks.

8.24.090 Enforcement.

The President of the Village, sworn members of the Police Department, members of the Fire Department and all other Peace Officers are charged with the duty of enforcing this Chapter in their respective jurisdictions. Failure to do so shall constitute grounds for removal from office.

8.24.100 Penalty For Violations.

Any person who violates any provision of this Chapter shall be subject to penalty as provided in Section 1.12.010.

8.24.110 Exceptions.

A. The prohibitions and penalties provided in this Chapter shall not apply to toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used or to toy pistol paper caps so manufactured, the sale and use of which shall be permitted at all times.

B. The prohibitions and penalties provided in this Chapter shall not apply to:

1. Toy snakes which contain no mercury;
2. A cap containing not more than one-quarter (¼) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion;
3. A device design to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture;
4. A fuseless device that is designed to produce audible or visible effects or audible and visible effects;
5. A device that emits smoke with no external flame and does not leave the ground; the sale and use of which shall be permitted at all times.
6. A cylindrical fountain not exceeding one hundred (100) grains in total weight with an inside tube diameter

not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke; and

7. A cone fountain not exceeding seventy five (75) grams in total weight, designed to sit on the ground and emit only sparks and smoke.

C. The prohibitions and penalties provided in this Chapter shall not apply to smoke novelties and party novelties which contain less than twenty-five-hundredths of a gram of explosive mixture.

8.24.120 License Required For Sale Of Permitted Fireworks.

No person shall display, sell or offer for sale those items permitted by Section 8.24.110 without securing a license from the Village Clerk/Treasurer.

A. Applications for licenses shall be made on forms provided by the Clerk/Treasurer and shall contain the applicant's name, address, type of business organization, the location for which the license is sought and the period for which it is sought. The applicant shall also contain such information as the License Committee shall from time to time require.

B. The fee for such license is as provided for in Section 3.06.010(J). Licenses shall expire on July 14th of each year. Applications for licenses shall be approved by the Village Board prior to issuance of license.

C. No license shall be issued for a site in the Residential Zone or contrary to the Zoning Code. No license shall be issued for sites which do not have adequate off-street parking facilities.

D. In cases of stands and displays which are physically located outside a building as that term is defined by Section 17.08.070, applicant must obtain Plan Commission and Village Board approval pursuant to Section 17.32.010 B 36 of the location and plan of operation and agree to remove all merchandise, stands and displays by July 14th of the year for which seller's license is issued.

E. Sales from a vehicle are prohibited. (Ord. 2009-8-4; Ord. 2004-5-1; Ord. 99-10-1).

Chapter 8.28

WEEDS, VEGETATION AND NOXIOUS WEEDS

Sections:

8.28.010 State Provisions Adopted.

8.28.010 State Provisions Adopted.

WISS 66.0407 and WISS 66.0517 relating to Noxious Weeds and Weed Commissioner as may be amended from time to time are hereby adopted by reference in the same manner as set forth in full.

1. In addition to the statutory definitions set forth in this Statute, the following plants are hereby declared to be Noxious Weeds:

Marijuana or Hemp, Field Bind Weed, commonly known as Creeping Jenny, Musk Thistle (*Carduus Nutan L.*), *Carduus Acanthoide*, Goatsbeard, Quack or Quitch Grass, Harmful Barberry and English Charlock, Wild Mustard, Purple Loosestrife or Multiflora Rose, Poison Ivy, Poison Oak, Canada Thistle, Leafy Spurge, Wild Parsnip and Garlic Mustard (*Alliaria Petiolata*).

2. Penalty/Fees (WISS 66.0517).

Notwithstanding other provisions of this Chapter, any owner of private land who fails to cut or destroy noxious weeds as defined in WISS 66.0407 shall, in addition to any charges levied by the Village for cutting and destruction of noxious weeds, pay an additional administration fee, which shall be added to the charges and collected as set forth in Village Ordinance Section 3.06.010(B)(6).

8.28.020 Other Weed And Vegetation Growth

A. Notwithstanding Section 8.28.010 of this Code, no person owning private property within the Village shall permit to grow or pollinate upon his premises any weeds, grasses or other rank growth of vegetation to a height exceeding twelve (12) inches except varieties of grasses and vegetation planted and maintained as part of a defined landscaping plan.

B. It shall be the duty of every private property owner to mow the premises, and to maintain said vegetation at a height less than twelve (12) inches.

C. Except as described below, owners of vacant private property in excess of one (1) acre shall be exempt from this Section except that said owner shall maintain all property within twenty-five (25) feet of an improved lot in conformance with this Section. For purposes of this paragraph, the size of the property in question shall be the accumulated size of all adjacent, vacant, privately owned lots held in common ownership or adjacent, vacant lots in subdivisions whether under the ownership of the developer or individuals.

8.28.030 Administration And Enforcement

A. It shall be the duty of the Weed Commissioner to enforce provisions of Section 8.28.010 and the duty of the Weed Commissioner or the Building Inspector to enforce provisions of Section 8.28.020. If any person shall fail to comply herewith, the Commissioner or Inspector shall give notice by U.S. Mail to the owner of record of the property that such violation exists and that the owner of record shall have five (5) days from the date of the notice to abate the violation. Such notice shall also indicate that no additional notices will be sent pursuant to paragraph C below.

B. When the owner shall fail to abate a violation of this Chapter within five (5) days from the date of said notice, the Village shall mow or have mowed the premises and shall charge the owner of said lot the cost of mowing plus an additional administration fee, which shall be added to the charges and collected as set forth in Village Ordinance Section 3.06.010(B)(6).

C. The Village shall only be required to notify a property owner of violation of this Chapter one (1) time annually. Should it be necessary for the Village to abate a violation of this Chapter additional times during a calendar year, additional notices will not be required.

8.28.040 Penalty

Except as otherwise provided and in addition to any charges for abatement, any person who shall violate any provision of this Chapter shall be subject to a penalty and suffer a forfeiture of not less than the minimum penalty as provided in Section 1.12.010 plus court costs. Any person who shall be convicted of a second and subsequent offense within one (1) year of the first conviction shall suffer a fine of not less than the amount of fine suffered for the immediately previous offense or two (2) times the maximum penalty as described in

Section 1.12.010 (B). Each day of a violation shall constitute a separate offense. (Ord. 2009-8-2; Ord. 2003-7-5; Ord. 2002-6-1; Ord. 90-8-2: prior Code § 10.19).

Chapter 8.33

TOWING

Sections:

8.33.010 Purpose.

8.33.020 Towing Service Required.

8.33.030 Qualified Motor Vehicle Towing Service.

8.33.040 Selection.

8.33.050 Towing Service Agreement.

8.33.010 Purpose.

The purpose of this Chapter is to provide a procedure for towing of motor vehicles at the direction of the Village Police Department, whenever the owner of such vehicle has no preference or choice as to the towing service or when such vehicles are towed without permission of the owner when they are determined to be abandoned, junked, are a public or private nuisance or in violation of a Wisconsin Statute or Twin Lakes Ordinance requiring such vehicles to be removed from their location to a storage site. This Chapter shall also apply to removal of motor vehicles during snow emergency. (Ord. 86-11-4 (part)).

8.33.020 Towing Service Required.

Whenever it becomes necessary for the Police Department to cause a motor vehicle to be removed from a location to a storage facility, the Police Department shall notify a qualified motor vehicle towing service as required by this Chapter. (Ord. 86-11-4 (part)).

8.33.030 Qualified Motor Vehicle Towing Service.

A. A qualified tower means one who:

1. Is licensed as a carrier authority by the State of Wisconsin and has adequate towing equipment to safely tow the vehicle being removed including equipment required by Chapter 347 Wisconsin Statutes;
2. Maintains a storage yard at the tower's principal place of business.

B. A tower shall enter into an agreement which shall provide for the indemnification and a hold harmless agreement protecting the Village from any and all claims of any nature whatsoever for any property damage, personal injury, all expenses, attorney's fees and costs associated with, resulting from or arising out of a towing agreement with the Village.

C. A tower shall state the charges for towing and storage, which charges shall be the same as such charges for a normal towing situation not requested by the Village. Such agreement shall further provide that there shall be no charge to the Village for the towing and storage of any vehicle requested by the Village authorities to be towed. The towing service shall receive compensation for towing of motor vehicles from the owner or pursuant to the Lien Statutes of the State of Wisconsin.

D. The towing service shall maintain a twenty-four (24) hour-a-day service. (Ord. 87-6-3; Ord. 86-11-4 (part)).

8.33.040 Selection.

The Police Department shall keep a list of those towers who have agreed with the Village to provide such services and shall rotate calls for towing service, except that the rotation list may not be required if a tower is unable to respond for any reason. In this instance, the Police Department shall move to the next listed towing service. (Ord. 86-11-4 (part)).

8.33.050 Towing Service Agreement.

A. Any person who has a motor vehicle towing service and desires to be placed on the qualified towing list shall enter into an agreement with the Village, which agreement in part shall provide that the name of the service, telephone numbers, location of principal business, description of storage yard and security for such vehicles, indemnification agreement holding the Village harmless from towing and storage activities, the business hours in which the towing service shall be available to owners reclaiming motor vehicles, a list of towing and labor charges and an insurance certificate with form and limits of coverage as selected by the Village Board and that there shall be no charge to the Village for towing vehicles at the request of the Police Department.

B. Such other terms and conditions as the Village Board shall require for the protection of the Village, its officers and agents and approved by the Village Attorney. (Ord. 86-11-4 (part)).

Chapter 8.36

BOATING AND WATER CODE

Sections:

8.36.010 Intent.

8.36.020 Applicability.

8.36.030 Definitions.

8.36.040 State Statutes Adopted.

8.36.050 Additional Traffic Rules.

8.36.060 Launch Permits.

8.36.070 Swimming Regulations.

8.36.080 Public Swimming Areas Defined.

8.36.081 Activities Prohibited.

8.36.090 Water Skiing.

8.36.100 Permit for Special Activity.

8.36.110 Littering.

8.36.120 Anchorages and Stationary Objects.

8.36.130 Marker and Navigation Aids--Posting Chapter.

8.36.140 Buoy Permits.

8.36.150 Buoys and Piers.

8.36.160 Seaplanes.

8.36.170 Driving Automobiles or Other Motor Driven Vehicles on the Ice.

8.36.180 Penalties.

8.36.010 Intent.

The intent of the Ordinance codified in this Chapter is to revise and recreate Chapter 8.36 of the Municipal Code of the Village relating to the Boating and Water Code to provide for the public health, safety and general welfare of all people for the enjoyment of aquatic recreation consistent with statutes of the State of Wisconsin and the rights of the public in interest of Lake Mary and Lake Elizabeth.

(Ord. 87-4-1 (part)).

8.36.020 Applicability.

The provisions of this Chapter shall apply to Lake Mary and Lake Elizabeth and shall be enforced by the Police Department of the Village. (Ord. 87-4-1 (part)).

8.36.030 Definitions.

The following definitions apply for the purposes of this Chapter:

A. "Board". Means the Village Board of the Village of Twin Lakes;

B. "Slow-no-wake". Is the slowest possible speed whereas to maintain steerage;

C. "Shoreline". Means the waters edge when Lake Elizabeth is at its datum level of ninety eight point twenty-four (98.24) feet as defined by Public Service Commission Order dated April 15, 1959 (D-938.10);

D. "Shore zone". Means all surface waters within two hundred (200) feet of the shoreline;

E. "Swimming zone". Shall mean an authorized area established by regulatory markers to designate a swimming area;

F. "Village". Means the incorporated Village of Twin Lakes.

(Ord. 87-4-1 (part)).

8.36.040 State Statutes Adopted.

The statutory provisions with respect to water traffic, boats, boating and related activities in the following enumerated Sections of Wisconsin Statutes, exclusive of any provision therein relating to penalties to be imposed or punishment for violation of such Statutes, and any amendments or additions, are adopted by reference and made a part of this Chapter.

§ 30.01	General Provisions--Definitions.
§ 30.50	Definitions.
§ 30.501	Capacity Plates on Boats. (Editorially amended
§ 30.51	Certificate of Number and Registration. per approval by Village
§ 30.53	Certification or Registration Cards on Boats. Board 7/8/90, Ord. 87-41 (part), 1987.
§ 30.541	Display of Decals or Identification Number.
§ 30.541	Transfer of Ownership.
§ 30.60	Classification of Motor Boats. 8.36.050 Additional
§ 30.61	Lighting Equipment. Traffic Rules.
§ 30.62	Other Equipment. In addition to the traffic
§ 30.63	Sales and Use of Certain Outboard Motors. rules in Section 30.65 of
§ 30.65	Restricted. the Wisconsin Statutes,
§ 30.66	Traffic Rules. the following rules shall
§ 30.675	Speed Restrictions. apply to boats using the
§ 30.68	Distress Signal Flag. waters covered by this
§ 30.681	Prohibited Operation. Chapter:
§ 30.681	Intoxicated Boating. A. Boats leaving or
§ 30.682	Preliminary Breath Screening Test. departing from a pier,
§ 30.683	Implied Consent. dock or wharf shall have
§ 30.684	Chemical Tests. the right-of-way over all
§ 30.686	Report Arrests to Department. watercraft approaching
§ 30.687	Officer's Action After Arrest. such dock, pier or
§ 30.69	Water Skiing. wharf;
§ 30.70	Skin Diving. B. Boats propelled
§ 30.71	Boats Equipped With Toilets. entirely by muscular
§ 30.80	Penalties. power shall yield the
§ 60.0495	Removal of Wharves and Piers. right-of-way to sailboats

or mooring of houseboats is prohibited from twelve (12:00) midnight to sunrise, but where the houseboat is moored to shore, with written permission of the property owner, and where suitable shore sanitary facilities are available for use by the occupant, such use is permitted. The provision of this subsection is required in the interest of public health, safety and welfare;

D. No person shall operate a motorboat at a speed in excess of slow-no-wake speed in those bay waters of Lake Mary lying within the following described lines: Beginning at a point on the north line of Lot 11, Rosebud Subdivision which intersects Lake Mary and extending to the point on the easterly line of Lot 1 of Indian Point Subdivision which intersects Lake Mary, and from the southeast corner of Lot 16, Indian Point Subdivision Addition to the channel side of Lot 1 of Mount Moriah Subdivision.

1. No person shall operate a motorboat at a speed in excess of slow-no-wake in those bay waters of Lake Elizabeth lying to the west of the following line: Beginning at the southernmost point on Parcel Number 291-2075, Latitude N 42 30'56.62" Longitude W 088 16'23.85", also known as Boy Scout Island, which intersects Lake Elizabeth and extending to the point where the north line of Parcel Number 294-3036, Latitude N 42 30'45.87 " Longitude W 088 16'24.24", (Hickory Point) intersects Lake Elizabeth;

E. No person shall operate a motor boat at a speed in excess of slow-no-wake between the hours of sunset or eight-thirty (8:30) p.m., whichever occurs earliest, and nine (9:00) a.m., unless the operator of such boat has obtained a permit for a special activity as provided in Section 8.36.100. Further, no person shall operate a motor boat at a speed in excess of slow-no-wake at any time upon the waters of Lake Mary or Elizabeth when the water level reaches or exceeds a sea level elevation of 794.5 feet above sea level as measured at the spillway. For ease of measurement, when the lake level device installed next to Lift Station 3 at the channel between Lakes Mary and Elizabeth reads 794.7 Slow No Wake levels will be reviewed at the spillway. During times of Slow No Wake the spillway measurement will be monitored daily until Slow No Wake is deemed to be lifted by the Village Administrator, Village President or Lake District Steering Committee Chairman.

F. No person shall engage in the act of powering a motor boat on or off a trailer at any Municipal boat launch site within the Village with the engine being operated at a speed greater than idle speed. No person shall continue to operate the engine while engaged in the act of launching or retrieving a motor boat after the motor boat is at rest on the trailer. A sign shall be posted at the Municipal boat launch sites advising of the requirement of this subsection, indicating no power loading, minimum one hundred dollars (\$100.00) forfeiture;

G. Unless a specific penalty is provided elsewhere in this Section, any person violating the provisions of this Section shall, for each offense, be subject to a forfeiture of not less than the minimum penalty as provided in Section 1.12.010 nor more than one thousand dollars (\$1,000.00), with each separate day to be considered a separate offense. (Ord. 2008-11-1) (Ord. 2005-8-3; Ord. 2004-6-3; Ord. 2004-4-6; Ord. 2003-8-3; Ord. 2001-9-1; Ord. 95-4-1; Ord. 94-6-1; Ord. 94-5-1; Ord. 87-7-1; Ord. 87-4-1 (part)).

8.36.060 Launch Permits.

A. Definitions and Terms. The following definitions shall apply to this Section:

1. The term “boat launch” shall include the public grounds, buildings thereon, waters therein and any other public property or facility which is under the jurisdiction of the Village of Twin Lakes whereon watercraft are launched;

2. The term “permit” shall mean written authorization for the use of boat launch facilities.

B. No person shall launch or remove any watercraft at any boat launch area in the Village between March 1st and September 30th inclusive of any year without first obtaining a boat launching permit and paying the appropriate fee for same, which fee shall be established by the Village Board. Such permit shall be displayed in or on the accompanying motor vehicle in such location as directed by the Village Board.

C. It is unlawful for any person launching or removing any watercraft at any boat launching area in the Village to park, stop or leave standing any motor vehicle, whether attended or unattended, unless such vehicle visibly displays a properly purchased permit as required in subsection B.

D. No person shall launch or remove any watercraft contrary to this Section or disobey reasonable order or direction of official Village enforcing personnel.

E. The Village Board is authorized to adopt additional or revised Rules and Regulations for the proper conduct and administration of boat launch facilities in the Village not inconsistent with this Section; to grant permits in conformity with the provisions hereof and to perform such other acts with reference to the management of such boat launch facilities as are lawful and as the Village Board may deem expedient; to promote beauty and usefulness of such boat launch facilities; and to increase the comfort, safety, convenience and public welfare of the citizens of the Village and of visitors to such boat launch facilities in their use of the same.

F. Any person violating the provisions of this Section shall, for each offense, be subject to a forfeiture of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), with each separate day to be considered a separate offense. (Ord. 2000-7-3).

8.36.070 Swimming Regulations.

A. No person shall swim:

1. From any unmanned boat unless such boat is anchored;

2. More than two hundred (200) feet from the shore or more than fifty (50) feet from any pier, unless within marked authorized areas, nor more than twenty-five (25) feet from an anchored raft or boat unless such person is accompanied by a boat manned by a competent person and having readily available a ring buoy. Such boat shall stay reasonably close to and guard such swimmer;

3. More than two hundred (200) feet from the shoreline between sunset and sunrise;

4. With a snorkel within the traffic lane.

B. No person shall be engaged in SCUBA diving activities without the approval of the Police Department between the hours of sunset and sunrise nor at any of the public beaches, nor in such a manner as to interfere with the activities of fishermen, fishing lines or boats with anchors. This Section shall not apply to rescue units or law enforcement agencies using SCUBA diving equipment for rescue, emergencies or enforcement activities.

C. Flotation devices of any type shall be prohibited at Musial Beach and Lance Park Beach, except for Coast Guard approved personal flotation devices utilized in the manner prescribed. (Ord. 92-6-1; Ord. 87-4-1 (part)).

8.36.080 Public Swimming Areas Defined.

The following described areas are declared to be public swimming areas and shall be buoyed accordingly:

A. Lance Park. Commencing at a point located forty (40) feet east of the east line of Lance Park continuing along the shoreline for a distance of two hundred (200) feet and extending into the lake parallel to the shoreline for a distance of one hundred fifty (150) feet.

B. Musial Road. From the shoreline at the termination of Musial Road for one hundred fifty (150) feet and parallel to the shoreline for fifty (50) feet.

C. Sunset Park. Commencing at the north property line and the shoreline for a distance of fifty-six (56) feet south and extending into the lake parallel to the shoreline for a distance of one hundred fifty-five (155) feet.

D. Lucille Avenue. Commencing at the easterly property line of Parcel Number 294-3055 and the shoreline for a distance of fifty-six (56) feet west to the westerly property line and extending into the lake parallel to the shoreline for a distance of one hundred fifty (150) feet.

(Ord. 2002-7-2; Ord. 88-6-1 (part); Ord. 87-4-1 (part)).

8.36.081 Activities Prohibited.

No person shall engage in the activity known as parasailing or paragliding, or flyboarding except as a special activity for which a permit has been obtained subject to Section 8.36.100.

(Ord. 2014-8-1 (part); Ord. 88-3-1 (part)).

8.36.090 Water Skiing.

A. No person shall:

1. Operate a boat for the purpose of towing a water skier or engage in water skiing between the hours of sunset and nine (9:00) a.m.;

2. Operate a boat with more than two (2) tow lines or exceed or allow other persons to exceed the designed capacity of the manufactured device as a means of water skiing, aquaplaning or similar activity or sport. The persons being towed shall wear Type 1, Type 2 or Type 3 Coast Guard approved personal flotation devices, while being towed;

3. Engage in water skiing, aquaplaning, or similar sport or activity within one hundred fifty (150) feet of the shoreline as defined in this Chapter, and must operate in a counterclockwise pattern in the traffic lane, as well as conform to all Sections of this Chapter;

4. Use any tow rope of more than one hundred (100) feet for towing a person for purposes of water skiing, aquaplaning, or similar activity;

5. The limitations of this Section shall not apply to participants in ski meets or exhibitions authorized and conducted as provided in Section 8.36.100;

6. There is established a drop-off area for water skiers, practicing or performing with a water ski show approved by the Village Board, commencing one hundred fifty (150) feet west of the west line of the buoyed swim areas of Lance Park and continuing to the west line of Lance Park and extending into the water parallel to the shoreline one hundred fifty (150) feet.

(Ord. 2014-8-1 (A-4) (part); Ord. 2002-9-2; Ord. 94-9-2; Ord. 88-10-1; Ord. 88-6-1 (part); Ord. 87-4-1 (part)).

8.36.100 Permit for Special Activity.

A. No person shall conduct or participate in any boat race, regatta, water ski meet or other water sporting event or exhibition unless such event has been approved by the Village Board and a permit issued therefor by the Chief of Police.

B. A permit issued under this Section shall specify the course or area of water to be used and participants in such event. The permittee shall be required to place markers, flags or buoys approved by the Chief of Police designating the specified area. Permits shall be issued only when, in the opinion of the Chief of Police, the proposed use of the water can be carried out safely and without danger to or substantial obstruction of other watercraft or persons using the lake. Permits shall specifically identify the Sections of this Chapter to which the permit applies and permits shall be issued annually for a continuing activity or for a special event.

C. Boats and participants in any such permitted event shall have the right-of-way on the marked area and no other person shall obstruct such area during the race or event or interfere therewith.

(Ord. 87-4-1 (part)).

8.36.110 Littering.

No person shall leave, deposit, place or throw on the waterways, ice, shoreline of waterways or upon other

public or private property adjacent to waterways, any cans, paper, bottles, debris, refuse or other solid or liquid waste material of any kind. (Ord. 87-4-1 (part)).

8.36.120 Anchorages and Stationary Objects.

A. No person shall erect or maintain any raft, ski jump, stationary platform or other obstacles to navigation, except as provided in this Chapter.

B. Moorings--Permit Required. No person shall moor any boat within one hundred fifty (150) feet of the shoreline without first obtaining an annual permit from the Village Police Department and Village Board. Mooring buoys may be set without lighting within one hundred fifty (150) feet of the shoreline provided that such buoys are brightly colored and are made of materials that will not damage a boat if struck. Moorings beyond one hundred fifty (150) feet of the shoreline shall be prohibited except by application approved by the Department of Natural Resources.

C. Application for a mooring permit shall be upon forms provided by the Village which forms shall, insofar as is practicable, conform to applications provided by the department.

D. Permits shall be issued only upon application of a riparian owner and there shall be only one (1) mooring permit issued for the lake frontage of each riparian owner. No more than one (1) boat shall be attached to a single mooring and no boat shall be moored with a line that will permit the boat to drift or extend beyond one hundred fifty (150) feet of the shoreline unless said boat is lighted as required by Section 30.51 of the Wisconsin Statutes. Mooring lines or chains shall not exceed in length more than three (3) times the depth of the water in which the boat is moored. Mooring buoys may be set within one hundred fifty (150) feet of the shoreline without lighting, provided they are brightly colored and are covered with materials which will not damage watercraft if struck, and the Chief of Police determines that the mooring buoys are placed in such a manner as to not be a potential hazard to others using the lakes. All mooring buoys must conform to the conditions of Section 8.36.150 of this Chapter.

E. Before issuing a mooring permit, the Police Department shall inspect the location for the proposed mooring area and determine that said mooring will not be an obstruction to navigation and will not interfere with other properly marked swimming areas, structures, piers, ramps, docks or wharves, or the rights of other riparian owners.

F. The anchoring or mooring of any boat in the waters adjacent to public landings is prohibited except that boats may be tied to piers within such public landing areas upon approval of the Village Board.

G. Appeal Procedures. Chapter 68 of the Wisconsin Statutes shall apply to the granting, denial or revocation of any mooring permit issued by the Police Department.

H. Piers and Wharves. No person shall construct a pier extending into the water for a distance in excess of one hundred (100) feet from the shoreline without first obtaining an annual permit from the Village Police Department and Village Board. No pier may be constructed except within the lot lines of the riparian owner. Wharves may be constructed by the riparian owner without a permit but said wharves shall not interfere with the enjoyment of adjacent owners. All piers and wharves shall be constructed in accordance with the Wisconsin Statutes.

I. No person shall place or maintain any raft or platform on the waters of Lake Mary or Lake Elizabeth unless it is so anchored that at least eighteen (18) inches of freeboard extend above the water line, is painted white, and is attached thereto no more than twelve (12) inches from each corner or projection, a red reflector of not less than three (3) inches in diameter. Rafts or platforms shall only be placed within the lot lines of the riparian owner, and if placed more than fifty (50) feet from the shoreline must first obtain an annual permit from the Village Police Department and Village Board.

J. No pier shall be erected or mooring buoy permitted, nor shall any watercraft be beached, within the boundaries of any public street, highway, fire lane, Village easement or any other riparian lands owned by the Village.

K. There shall be a non-refundable annual fee for each permit requested pursuant to this Chapter. The fee for such permit shall be as provided in Section 3.06.010(G) of this Code and shall be paid at the time of application. All permits shall expire on December 1st of each year. (Ord. 2003-7-4 § 1, 2; Ord. 89-9-1; Ord. 88-8-1; Ord. 88-3-1 (part); Ord. 87-10-1; Ord. 87-4-1 (part)).

8.36.130 Marker and Navigation Aids-- Posting Chapter.

The Chief of Police is authorized and directed to place markers, navigation aids and signs in such water areas

as shall be appropriate to advise the public of the provisions of the Ordinance codified in this Chapter and to post and maintain a copy of this Chapter at all public access points within the jurisdiction of the Village. (Ord. 87-4-1 (part)).

8.36.140 Buoy Permits.

No bathing beach marker, speed zone information marker, mooring buoy, fishing buoy or other markers shall be anchored on any waters of this Village beyond one hundred fifty (150) feet from the shoreline by any individual unless a written application therefor is made to the Village Board and approved by the Department of Natural Resources. (Ord. 87-4-1 (part)).

8.36.150 Buoys and Piers.

A. All buoys, regulatory markers, aids to navigation or waterway markers shall conform to requirements of NR 5.09 Wisconsin Administrative Code and shall have affixed thereto such numbers as are assigned to them by the Village Chief of Police; such numbers are to be located at least twelve (12) inches above the waterline. Twin Lakes Water Patrol will from time to time inspect for properly applied numbers.

B. All piers and their supports and all shore stations shall either be completely removed from the water by December 1st of each year, or allowed to remain completely intact in the water through the winter months. If left in the water after December 1st, the pier or shore station shall be marked by readily visible red reflectors at least three (3) inches in diameter, spaced at intervals of not less than three (3) feet, facing the water and affixed to the sides and ends of the pier or station in such a manner as to give a warning to other users of the lake. If a pier is removed from the water, it shall be completely removed. If a pier remains in the water it shall not be left in a partially dismantled state. All buoys shall be removed from the water by December 1st of each year. Any pier, shore station or buoy removed from the water pursuant to this Section may be replaced in the ensuing year after the ice is out of the waters. (Ord. 2003-7-4 § 3; Ord. 87-4-1 (part)).

8.36.160 Seaplanes.

Landing, taking off or anchoring of a seaplane is permitted on Lake Elizabeth. Landing, taking off or anchoring of a seaplane on Lake Mary is prohibited except as a special activity for which a permit has been obtained subject to Section 8.36.100. (Ord. 2014-8-1(part); Ord. 87-4-1 (part)).

8.36.170 Driving Automobiles or Other Motor Driven Vehicles on the Ice.

A. No person shall:

1. Use or operate any automobile or other motor driven vehicle in any manner so as to endanger persons engaged in skating or any other winter sport or recreational activity upon the ice, nor shall any person, while using or operating an automobile or motor driven vehicle, tow, pull or push any person or persons on skates, sled, skis, toboggan, or device or thing of any kind designed or utilized to carry or support one or more persons;

2. Use or operate any automobile at a speed in excess of twenty-five (25) miles per hour on the ice;

3. Operate any aerodynamic propeller driven vehicle, device or thing, whether or not designed for the transportation of a person or persons, on the ice of Lake Mary or Lake Elizabeth;

4. Use or operate any automobile on the ice after nine (9:00) p.m.

B. "Automobile" as used in this Chapter shall be construed to mean all motor vehicles of the type and kind permitted to be operated on the highways in the State.

C. All traffic on the ice bound water of Lake Mary or Lake Elizabeth shall be at the risk of the traveler as set forth in Section 30.81(3) of Wisconsin Statutes; nothing in this Chapter shall be construed as rendering the enacting authority liable for any accident to those engaged in permitted traffic while the Ordinance codified in this Chapter is in effect. (Ord. 2014-8-1 (2) part; Ord. 87-4-1 (part)).

8.36.180 Penalties.

A. Any person who shall be convicted of violating any of the provisions of this Chapter shall pay a forfeiture not to exceed the amounts set forth in Section 30.80 Wisconsin Statutes.

B. Any person convicted of violation of any Section of this Chapter not included on Section 30.80 Wisconsin Statutes shall forfeit not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) and upon conviction of a second violation of this Chapter within one (1) year, shall forfeit not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00). Any person who fails to pay the forfeiture set

forth herein may be confined to the County Jail for a period not to exceed fifteen (15) days. (Ord. 87-4-1 (part)).

Chapter 8.40

ABANDONED ICEBOXES AND REFRIGERATORS

Sections:

8.40.010 Abandoned Iceboxes and Refrigerators.

8.40.010 Abandoned Iceboxes and Refrigerators.

It is unlawful for any person, firm or corporation to leave or to permit to remain outside any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or other container which has an air-tight door or lid, snap lock or other locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device from said icebox, refrigerator or container. (Ord. passed 10/3/73).

Chapter 8.50

CLEAN INDOOR AIR

Sections:

8.50.010 Smoking Regulated.

8.50.010 Smoking Regulated.

A. Wisconsin State Statute, Section 101.123, is adopted in its entirety, and as amended from time to time by the State Legislature.

B. It shall be unlawful to smoke or carry a lighted cigar, cigarette or pipe in any building, vehicle or other enclosed area under the control of the Village Board. (Ord. 98-6-3: Ord. 91-12-2).

Chapter 8.60

ENVIRONMENTAL REGULATIONS

Sections:

8.60.010 Lawn Fertilizer Application Control.

8.60.010 Lawn Fertilizer Application Control.

A. Purpose. The purpose of the Ordinance codified in this Chapter is to define regulations which will aid the Village in managing and protecting its water resources which are enjoyed by its residents and other users.

B. Definitions. For the purpose of this Section, certain terms and words are defined as follows:

1. "Commercial Applicator". Is a person who is engaged in the business of applying fertilizer for hire;
2. "Fertilizer". Means a substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other products, which may be exempted by State Law;
3. "Noncommercial Applicator". Is a person who applies fertilizer but who is not a commercial lawn fertilizer applicator.

C. Phosphorous containing fertilizer prohibited. No person, firm, corporation, franchise, or commercial or noncommercial applicator, including homeowners or renters, shall apply any lawn fertilizer, liquid or granular, within the Village of Twin Lakes which contains any amount of phosphorous or other compound containing phosphorous, such as phosphate, except:

1. The naturally occurring phosphorous in unadulterated natural or organic fertilizing products such as yard waste compost;
2. As otherwise provided in subsection F of this Section.

D. Impervious surfaces and drainage ways. No person shall apply any fertilizer to impervious surfaces, areas within drainage ditches, or waterways.

E. Buffer Zone. Fertilizers shall not be applied:

1. To any established natural buffer zones or delineated wetland;
2. Below the ordinary high water mark as established by the Department of Natural Resources or other state regulation;
3. Within ten (10) feet of any wetland or water resource.

F. Exemptions. The following are exemption to the specified provisions of this Section:

1. The prohibition against use of fertilizer containing any quantity of phosphorous under subsection C shall not apply to turf and lawn areas which soil tests confirm are below established phosphorous levels for typical area soils. The lawn fertilizer application shall not contain an amount of phosphorous exceeding the amount of phosphorous and the appropriate application rate recommended in the soil test evaluation. Phosphorus applied as lawn fertilizer pursuant to the aforementioned exemption shall be integrated into the soil where it is immobilized and generally protected from loss by runoff;
2. This Section in its entirety shall not apply to any farming or agricultural business, provided the use of fertilizers as defined herein is related to the growth of a product or maintenance of growing fields. Appropriate steps shall be taken to integrate the fertilizer into the soil where it is immobilized and generally protected from loss by runoff. This exemption shall not apply to lawn areas of said farm or agricultural business.

G. Enforcement. The provisions of this Chapter shall be enforced by the Chief of Police and the Building Inspector/Zoning Official or other Officer of the Village charged with enforcement of Village Regulations. (Ord. 2002-11-1 § 2).

Chapter 8.70

ILLICIT DISCHARGE AND CONNECTION

Sections:

- 8.70.010 Purpose and Intent.**
- 8.70.020 Definitions.**
- 8.70.030 Responsibility for Administration.**
- 8.70.040 Applicability.**
- 8.70.050 Severability.**
- 8.70.060 Ultimate Responsibility.**
- 8.70.070 Discharge Prohibitions.**
- 8.70.080 Suspension of MS4 Access.**
- 8.70.090 Industrial or Construction Activity Discharges.**
- 8.70.100 Monitoring of Discharges.**
- 8.70.110 Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices.**
- 8.70.120 Watercourse Protection.**
- 8.70.130 Notification of Spills.**
- 8.70.140 Notice of Violation.**
- 8.70.150 Appeal of Notice of Violation.**
- 8.70.160 Enforcement.**
- 8.70.170 Cost of Abatement of the Violation.**
- 8.70.180 Injunctive Relief.**
- 8.70.190 Compensatory Action.**
- 8.70.200 Violations Deemed a Public Nuisance.**
- 8.70.210 Criminal Prosecution.**
- 8.70.220 Remedies Not Exclusive.**

8.70.010 Purpose and Intent.

The purpose of this Chapter is to provide for the health, safety, and general welfare of the citizens of the Village of Twin Lakes through the regulation of non-stormwater discharges to the stormwater drainage system to the maximum extent practicable, as required by federal and state law. This Chapter establishes methods for controlling the introduction of pollutants into the Village's municipal separate storm sewer system (MS4) in order to comply with requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) municipal storm water discharge permit program under Chapter NR 216, Wis. Adm. Code. The objectives of this Chapter are:

- A. To regulate the discharge of pollutants to the municipal separate storm sewer system
- B. To prohibit illicit connections and discharges to the municipal separate storm sewer system
- C. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Chapter.

8.70.020 Definitions.

For the purposes of this Chapter, the following shall mean:

- A. "Authorized Enforcement Agency". Means the employees or designees of the Village of Twin Lakes or the municipal agency designated to enforce this Chapter.
- B. "Best Management Practices (BMPs)". Means schedules of activities, prohibitions of practices, general good housekeeping practices, stormwater pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, and stormwater drainage systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage, leaks, sludge and wastewater disposal, and drainage from raw materials storage areas.
- C. "Clean Water Act". Means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

D. “Construction Activity”. Means activities subject to a Construction Site Erosion Control Permit pursuant to Chapter 14.21 of this Code. Such activities include, but are not limited to, clearing, grubbing, grading, excavating, and demolition.

E. “Hazardous Materials”. Means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

F. “Illegal Discharge”. Means any direct or indirect discharge, spilling, or dumping of non-stormwater substances or materials to the stormwater drainage system, except as exempted in Section 7 of this Chapter.

G. “Illicit Connection”. Means an illicit connection is defined as either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the stormwater drainage system, including, but not limited to, any conveyances which allow any non-stormwater discharges such as sewage, process wastewater, and wash water, to enter the stormwater drainage system and any connections to the stormwater drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or,

(2) Any drain or conveyance connected from a commercial or industrial land use to the stormwater drainage system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

H. “Industrial Activity”. Means activities subject to a WPDES Industrial Wastewater Permit as required by Chapter 283.13(1) Wisconsin Statutes.

I. “Municipal Separate Storm Sewer System” or “MS4”. Means the system of stormwater drainage facilities, including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels and storm drains, owned and operated by the Village of Twin Lakes and used for collecting and/or conveying stormwater. The municipal separate storm sewer system is not used for collecting and/or conveying sewage.

J. “Non-Stormwater Discharge”. Means any discharge to the Stormwater Drainage System that is not composed entirely of stormwater.

K. “Person”. Means any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

L. “Pollutant”. Means anything which causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, Ordinances, accumulations that may cause or contribute to pollution, floatables, pesticides, herbicides, fertilizers, hazardous substances and wastes, sewage, fecal coli form and pathogens, dissolved and particulate metals, animal wastes, wastes and residues that result from construction activity, and noxious or offensive matter of any kind.

M. “Premises”. Means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

N. “Stormwater Drainage System”. Means the facilities by which stormwater is collected and/or conveyed, including, but not limited to, sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

O. “Stormwater”. Means any surface flow, runoff, and drainage consisting entirely of water resulting from any form of natural precipitation.

P. “Stormwater Pollution Prevention Plan”. Means a document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, receiving waters, and stormwater drainage systems to the maximum extent practicable.

Q. “Wastewater”. Means any water or other liquid, other than uncontaminated stormwater, discharged from any premises.

R. “Wisconsin Pollutant Discharge Elimination System (WPDES) Storm Water Permit”. Means a permit issued by the Department of Natural Resources that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group or general area-wide basis.

8.70.030 Responsibility for Administration.

The Village of Twin Lakes shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the Village of Twin Lakes.

8.70.040 Applicability.

This Chapter shall apply to all water entering the Stormwater Drainage System and generated on any developed and undeveloped lands unless explicitly exempted by the authorized enforcement agency.

8.70.050 Severability.

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

8.70.060 Ultimate Responsibility.

The standards set forth in this Chapter and promulgated pursuant to this Chapter are minimum standards; therefore this Chapter does not intend, nor imply, that compliance by any person will ensure that there will be no contamination or pollution of stormwater or unauthorized discharge of pollutants to the stormwater drainage system or to waters of the state.

8.70.070 Discharge Prohibitions.

A. Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the stormwater drainage system or waters of the State any materials, pollutants, or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards. The commencement, conduct, or continuance of any illegal discharge to the stormwater drainage system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this Chapter: water line flushing, fire hydrant flushing, discharges from potable water sources, landscape irrigation, lawn watering, rising groundwater, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, diverted stream flows, natural riparian habitat and wetland flows, springs, storm sewer cleaning water, street wash water from streets where spills or leaks of pollutants or toxic or hazardous materials has not occurred (unless the pollutants or toxic or hazardous materials have been removed), foundation drains, footing drains, crawl space pumps, air conditioning condensation, individual residential vehicle washing, routing external building washing that does not use detergents, dechlorinated swimming pool discharges (discharges must contain less than one part per million chlorine), fire fighting activities, and any other water source not containing pollutants or toxic or hazardous materials.

2. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

3. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

4. The prohibition shall not apply to any non-stormwater discharge permitted under a WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and all other applicable laws and regulations, and provided that written approval has been granted by the authorized enforcement agency for the discharge to the stormwater drainage system.

B. Prohibition of Illicit Connections. The construction, use, maintenance, or continued existence of illicit connections to the stormwater drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this Chapter if the person connects a line conveying sewage or any other non-stormwater discharge to the MS4, or allows such a connection to continue.

8.70.080 Suspension of MS4 Access.

A. Suspension Due to Illicit Discharges in Emergency Situations: The Village of Twin Lakes may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, to the MS4, or to waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the state and to minimize danger to persons.

B. Suspension Due to the Detection of Illicit Discharge: Any person discharging to the MS4 in violation of this Chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator, in writing, of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing. A person violates this Chapter if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior written approval of the authorized enforcement agency.

8.70.090 Industrial or Construction Activity Discharges.

Any person subject to a WPDES Construction Site Erosion Control Permit or WPDES Industrial Wastewater Permit shall comply with all provisions of such permit. Said person shall submit to the Village of Twin Lakes a copy of the Notice of Intent (NOI) that was provided to the Department of Natural Resources (DNR). Additional proof of compliance with a WPDES Construction Site Erosion Control Permit or WPDES Industrial Wastewater Permit may be required, in a form acceptable to the Village of Twin Lakes, prior to the allowing of discharges to the MS4.

8.70.100 Monitoring Of Discharges.

A. The authorized enforcement agency shall be permitted to enter and inspect premises subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

B. Facility operators shall allow the authorized enforcement agency ready access to all parts of the premises for the purposes of inspection, sampling, examination, copying of records that must be kept under the conditions of a WPDES permit, and the performance of any additional duties as required by state and federal law.

C. The authorized enforcement agency shall have the right to set up on any premises such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the premises' stormwater discharge.

D. The authorized enforcement agency has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

E. Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.

F. Unreasonable delays in allowing the authorized enforcement agency access to a premises are a violation of this Chapter. A person who is the operator of a facility with a WPDES permit to discharge stormwater associated with industrial activity commits a violation of this Chapter if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Chapter.

G. If the authorized enforcement agency has been refused access to any part of the premises from which stormwater is discharged, and it is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

8.70.110 Requirement To Prevent, Control, And Reduce Stormwater Pollutants By The Use Of Best Management Practices.

The authorized enforcement agency will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the stormwater drainage system, or waters of the state. The owner, or operator of a commercial or industrial establishment, shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal stormwater drainage system or waters of the state through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this Section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the WPDES permit.

8.70.120 Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

8.70.130 Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or any person responsible for emergency response for a facility or operation, has information regarding any known or suspected release of materials which are resulting or may result in illegal discharges or in pollutants entering stormwater, the stormwater drainage system, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person, by phone, or by facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Village of Twin Lakes within three (3) business days of the phone call or personal notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

8.70.140 Notice of Violation.

Whenever the Village of Twin Lakes finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the authorized enforcement agency may order compliance by written Notice of Violation to the responsible person. Such notice may require, without limitation:

- A. The performance of monitoring, analyses, and reporting
- B. The elimination of illicit connections or discharges
- C. That violating discharges, practices, or operations shall cease and desist
- D. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property
- E. Payment of a fine to cover administrative and remediation costs; and
- F. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be performed by the authorized enforcement agency and the expense thereof shall be charged to the violator.

8.70.150 Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within fifteen (15) days from the date of the Notice of Violation. Hearing on the appeal before a Hearing Officer of the Village of Twin Lakes, or other designated administrative body, shall take place within thirty (30) days from the date of receipt of the Notice of Appeal. The decision of the designated Hearing Officer shall be final.

8.70.160 Enforcement.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within thirty (30) days of the decision of the designated Hearing Officer, then the authorized enforcement agency reserves the right to enter upon the subject private property and to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the authorized enforcement agency or designee to enter upon the premises for the purposes set forth above. The authorized enforcement agency may extend the period for corrective action upon a showing of good cause for extension of the corrective action period.

8.70.170 Cost of Abatement of the Violation.

Within thirty (30) days after abatement of the violation by the authorized enforcement agency, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within fifteen (15) days. If the amount due is not paid within a timely manner as determined by the decision of the designated management agency or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this Section shall become liable to the Village of Twin Lakes by reason of such violation. The liability shall be paid in not more than twelve (12) equal monthly payments. Interest at the rate of prime plus two percent (2%) per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

8.70.180 Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. If a person has violated or continues to violate the provisions of this Chapter, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

8.70.190 Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Chapter, the authorized enforcement agency may impose upon a violator alternative compensatory actions including, but not limited to, storm drain stenciling, attendance at compliance workshops and cleanup activities.

8.70.200 Violations Deemed A Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

8.70.200 Criminal Prosecution.

Any person that has violated or continues to violate this Chapter shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) per violation per day. Each violation and each day upon which an individual violation occurs shall constitute a separate offense.

8.70.210 Remedies Not Exclusive.

The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable

federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies. The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this Chapter, including sampling and monitoring expenses.
(Ord. 2008-11-4)

Chapter 8.80

PROPERTY MAINTENANCE

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8.80.010 Interpretation and Applicability.

Every building, structure and premises shall conform to the requirements of this Chapter, irrespective of the class to which such building, structure and premises may otherwise belong, and irrespective of when such building may have been constructed, altered or repaired.

This Chapter shall be known as the "Property Maintenance Ordinance" and establishes minimum standards for maintenance of buildings, structure and premises and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings and structures except such as are in conflict with the provisions of this Chapter. Any inconsistency or conflict between the provisions of this Chapter and any other existing Ordinance shall not repeal such provision or Ordinance; but the provisions of this Chapter shall be cumulative thereto.

8.80.020 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

A. "Accessory Structure". A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

B. "Basement". That portion of the building, the floor line of which is below the surface of the ground immediately adjoining it and its ceiling not more than four (4) feet above lot grade.

C. "Building". A combination of materials to form a construction adopted to permanent or temporary use for residence, business or storage.

D. "Debris". Broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery; boxes; lumber (new or used), posts, sticks or other wood; tree branches, brush, yard trimmings, grass clippings, and other residues; paper, rags, cardboard, excelsior, rubber, plastic, wire, tin and metal items; discarded goods and appliances, junk lawn mowers, tar paper, residues from burning, or any similar materials which constitute health, fire or safety hazards or a serious blighting influence upon the neighborhood or the Village in general.

E. "Deterioration". The condition or appearance of a building or structure or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, inadequate paint or other evidence of decay or neglect.

F. "Dwelling". Any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant.

G. "Extermination". The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health commissioner or county health department.

H. "Fence". An independent structure forming a barrier at grade or between lots, between a lot and a street or an alley, or between portions of a lot or lots and includes a wall or lattice-work screen but excludes a hedge or natural growth, or a barrier of less than eighteen (18) inches in height which is used to protect plant growth.

I. "Garbage". Garbage is all waste, animal, fish, fowl or vegetable matter incident to and resulting from the use, preparation and storage of food for human consumption.

J. "Infestation". The presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

K. "Nuisance".

(1) Any public nuisance known at common law or in equity jurisprudence, or as provided by the Statutes of the State of Wisconsin, or the Ordinances of the Village of Twin Lakes.

(2) Any attractive nuisance which may prove detrimental to the health or safety of children in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to: basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation such as poison ivy, oak sumac, which may prove a hazard for inquisitive minors.

L. "Occupant". Any person occupying or having use of a building, structure, premise or any part thereof.

M. "Operator". Operator shall mean any person who has charge, care or control of a building, structure or premise or a part thereof.

N. "Owner". Any person who alone, jointly, or severally with others, shall hold title to a building, structure or premise, or who shall be in actual possession of, or have charge, care or control of a building, structure or premises as an employee or agent of the title holder, or who shall be trustee or guardian of the estate or person of the title holder.

O. "Person". The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word "person" is used in any Section of this Chapter prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such Section.

P. "Refuse". All solid waste (except body waste) including but not limited to: rubbish, ashes, street cleanings, abandoned, nonlicensed or inoperable motor vehicles and solid market and industrial wastes.

Q. "Repair". To restore to a state of operation, serviceability, or appearance in conformity with this Chapter.

R. "Replace". To remove an existing item or portion of a building or structure and to construct or install a new item of similar or improved quality as the existing item when it was new. Replacement will ordinarily take place when the item is incapable of repair.

S. "Rubbish". Rubbish is the miscellaneous waste material, combustible and noncombustible, resulting from housekeeping and ordinary mercantile enterprises, and includes but is not limited to boxes, cartons, excelsior, paper, ashes, cinders, tin cans, bottles and broken glass, rubber, grass clippings, brush, leaves and garden plants.

T. "Structure". Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a building, fence, freestanding wall, sign or other advertising medium, whether detached or projecting.

U. "Substandard". All buildings which do not conform to the minimum standards established by this Chapter and by any other provisions of this Code of Ordinances or by State of Wisconsin Administrative Code.

V. "Weathering". Deterioration, decay or damage by exposure to the elements.

W. "Yard". An open space at grade on the same lot as a building or structure located between such building or structure and the adjoining lot line, and/or street line.

Whenever the words "building," "structure," "premises," are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof."

8.80.030 Responsibilities of Owners, Operator and Occupant Independent of Each Other.

A. Owners and operators shall have all the duties and responsibilities as prescribed in this Chapter and the regulations promulgated pursuant thereto, and no owner or operator shall be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefore in violation thereof.

B. Occupants shall have all the duties and responsibilities as prescribed in this Chapter. No person shall attempt to contract away his responsibilities under this Chapter.

8.80.040 Duties and Responsibilities of Owners and Operators.

Maintenance and Appearance of Exterior of Premises.

A. The exterior of premises and all structures thereon shall be kept free of all nuisances, unsanitary conditions, and any hazards to the safety of occupants, pedestrians and to the persons utilizing the premises. Any of the foregoing shall be promptly removed and abated by the owner or operator.

B. The exterior of the premises and surrounding yard shall be kept free of hazards which include, but are not limited to brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris, combustible and non-combustible items.

C. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of fallings, and the same shall be kept structurally sound, in good repair and free of defects.

D. The exterior appearance of all buildings shall reflect a level of maintenance in keeping with the standards of the neighborhood. It shall not constitute a blighting factor for adjoining property owners or an element leading to the progressive deterioration and downgrading of the neighborhood.

E. Lawns, hedges and bushes shall be kept from becoming overgrown, and unsightly where exposed to the public view. Premises shall include the areas between the sidewalk and the curb of the street. Yards shall be kept substantially clear of debris and shall be provided with adequate lawn, ground cover or vegetation. All trees, bushes or vegetation which over hang a public entrance shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians.

F. Every building, structure and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites, and other vermin infestation, and shall not permit the entrance of such rats, mice, termites, and other vermin. Occupants and operators shall be responsible for the extermination of rodents and vermin from that part of the premises under their exclusive control except where more than one unit is infested at the same time and in this instance, the owner shall also be responsible for extermination of the infestation.

G. Every building shall have adequate refuse, garbage or rubbish storage facilities. No occupant shall accumulate rubbish, debris, boxes, lumber, metal refuse or other materials which may provide a harborage for rodents or vermin.

H. The exterior of every structure or accessory structure, residential and non-residential, including fences, shall be maintained in good repair and all surfaces thereof shall be kept painted where necessary for purposes of preservation and appearance. The same shall be maintained free of broken loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance.

I. Every dwelling and accessory structure, exterior walls, siding and roofs shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards and shall be so maintained as to be weather and water-tight. (The above applies to residential and nonresidential properties.)

J. This Chapter applies whether or not the premises are temporarily or continuously occupied or unoccupied, inhabited or uninhabited, commercial or noncommercial, and whether or not there is a structure, building or other improvement upon the premises.

8.80.050 Rummage/Garage/Yard Sales.

Rummage/Garage/Yard Sales are permitted as follows:

1. No sale continues more than three (3) days or parts of days consecutively.
2. No more than three (3) such sales within any calendar year.
3. It shall be unlawful for any person or party to hold or permit to be held a Rummage/Garage Sale during the hours of 9:00 p.m. to 8:00 a.m. on any day.

8.80.060 Boats & Motor Vehicles.

Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning: “Abandoned, junked, discarded, dismantled, trailered and any unregistered motor vehicles” means any vehicles which are incapable of being self-propelled upon the public streets or, vehicles whose owners cannot be identified, and those vehicles which are without current license plates.

Boat means a registered vehicle of any size that is used for traveling on water.

A. **Boats & Motor Vehicles.** Except as provided for in other regulations, no inoperative or unlicensed boat or motor vehicle shall be parked, kept or stored on any *premises*, and no boat or motor vehicle shall at any

time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of boats or motor vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including bodywork, provided that such work is performed inside a structure or similarly enclosed area *designed* and *approved* for such purposes.

B. Storage Declared a Nuisance. It is declared and found that abandoned, junked, discarded, dismantled and unregistered motor vehicles and unregistered boats or boat registrations over two (2) years upon private property within the Village are detrimental to the public health, welfare and safety. Such boats and vehicles constitute an attractive nuisance to children and are a peril to their safety, depreciate the value of neighboring properties and constitute a fire hazard. This Section has for its purpose the effective termination of such practices.

C. Prohibited Acts. No person, either as owner, lessee, occupant or otherwise, shall store or deposit, or cause or permit to be stored or deposited, an abandoned, junked, discarded, dismantled or unregistered motor vehicle or boat in and upon any private property, street or government property within the Village. This Section shall not prohibit the parking of an unlicensed motor vehicle, boat or motorcycle in a private garage.

8.80.070 Chronic Nuisance Property.

Any premises that has generated two (2) or more calls for police services resulting in arrest or the issuance of citation for nuisance activities, has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the Village. Therefore, the Board directs the Chief of Police to charge the owners of such premises the costs associated with abating the violations at premise.

8.80.080 Penalty.

Any person who violates any provision of the foregoing subsection and shall upon conviction of such violation be subject to a penalty as provided in Section 2.53.030. (Ord. 2013-9-1)