



VILLAGE OF TWIN LAKES

105 East Main Street P O Box 1024 Twin Lakes, Wisconsin 53181

Phone (262) 877-2858 Fax (262) 877-4019

VILLAGE BOARD COMMITTEE OF THE WHOLE MEETING

Monday, May 2, 2022 – 6:30 p.m.

Village Hall, 105 E. Main Street, Twin Lakes, WI

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL: TRUSTEES ANDRES, BOWER, FITZGERALD, KAROW, KASKIN, PERL, PRESIDENT SKINNER
4. PUBLIC COMMENTS AND QUESTIONS
5. PRESIDENT AND TRUSTEE REPORTS
 - A. TRUSTEE SHARON BOWER - ADMINISTRATION, FINANCE, JUDICIARY, LICENSING
 1. Open Book is scheduled for Wednesday, May 18. Accurate Appraisal will be at Village Hall from 2:00pm to 4:00pm to meet with residents regarding their assessments.
 2. Discussion regarding ARPA-Local Fiscal Recovery Funds.
 3. Other?
 - B. TRUSTEE KEVIN FITZGERALD - STREETS & ROADS, EQUIPMENT, STREET LIGHTS, WEEDS, LAKE PLANNING AND PROTECTION
 1. The E-Waste dumpster will be at the yard-waste recycle center on May 7th & May 8th.
 2. Discussion regarding the 2022 Road Project bid package.
 3. Other?
 - C. TRUSTEE BILL KASKIN - CEMETERY, SANITATION, RECYCLING, SENIORS
 1. Other?
 - D. TRUSTEE AARON KAROW - BUILDING AND ZONING, PLAN COMMISSION, AND PUBLIC BUILDINGS
 1. Other?
 - E. TRUSTEE KEN PERL - POLICE, FIRE, LAKE CONTROL, PARKS AND BEACHES
 1. Movies in the Park kicks off its 2022 season with Encanto on Friday May 20, 2022 at Lance Park amphitheater. The free movie will begin at dusk.
 2. Discussion regarding Ordinance 9.80.020-Tobacco Products Restrictions.
 3. Discussion regarding Ordinance 9.41.020-Closing Hours in Public Parks and Beaches.
 4. Other?

F. TRUSTEE BARB ANDRES - SEWER, HEALTH AND ENVIRONMENT, YOUTH,
LIBRARY

1. Other?

G. VILLAGE PRESIDENT HOWARD SKINNER

1. Other?

6. ADJOURN

MATTERS MAY BE TAKEN IN ORDER OTHER THAN LISTED

Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the Clerk Treasurer's office in advance so the appropriate accommodations can be made.



Non-Exclusive List of Eligible Uses ARPA – Local Fiscal Recovery Funds

Responding to the Public Health Emergency	Addressing Negative Economic Impacts	Serving the Hardest Hit	Improving Access to Infrastructure	Replace Public Sector Revenue Loss
COVID-19 mitigation <ul style="list-style-type: none"> • Vaccinations • Personal protective equipment (PPE) • Testing • Alternative care facilities 	Workers and families <ul style="list-style-type: none"> • Unemployment and training • Food, housing, financial security assistance • Survivor's benefit 	Health disparities <ul style="list-style-type: none"> • Community health works • Public benefits navigators • Community violence intervention 	Water and sewer <ul style="list-style-type: none"> • Drinking/wastewater infrastructure • Cybersecurity • Remediation of lead pipes • Stormwater/green infrastructure 	<ul style="list-style-type: none"> • Recipients can fund government services up to their revenue loss amount • Revenue loss – use standard allowance up to \$10 million (not greater than award) or calculate actual revenue loss • Government services include any service traditionally provided by a government • Construction of schools and hospitals • Road building and maintenance and other infrastructure • Health services • General government administration, staff and administrative facilities • Environmental remediation • Providing police, fire and other public safety services
Behavioral health care <ul style="list-style-type: none"> • Mental health treatment • Substance abuse treatment • Crisis intervention 	Small businesses <ul style="list-style-type: none"> • Loans • Grants • Counseling programs 	Housing and neighborhoods <ul style="list-style-type: none"> • Homelessness • Affordable housing • Housing vouchers • Residential counseling 	Broadband <ul style="list-style-type: none"> • Currently unserved or underserved • Modern technologies • Address challenges such as affordability and reliability 	
Public health resources <ul style="list-style-type: none"> • Payroll for public health and similar employees 	Impacted industries <ul style="list-style-type: none"> • Tourism • Travel • Hospitality • Non-profits 	Educational disparities <ul style="list-style-type: none"> • Early learning services • School district resources • Educational services 	Review resources at treasury.gov (search "recovery funds") <ul style="list-style-type: none"> • <i>Final rule – effective April 1, 2022</i> <ul style="list-style-type: none"> » Overview » Webinar » Presentation 	
Essential workers <ul style="list-style-type: none"> • Premium pay • Retroactive premium pay 	Public sector <ul style="list-style-type: none"> • Rehire public sector employees to pre-pandemic levels 	Healthy environments <ul style="list-style-type: none"> • Childcare • Enhanced child welfare services 		
Capital expenditures <ul style="list-style-type: none"> • Must be related and reasonably proportional to the pandemic impact identified and reasonably designed to benefit the impacted population or class (ex: build affordable housing, childcare facilities, schools, hospitals, other projects) • Coronavirus Capital Projects Fund is another source of funding available to fund critical capital investments 				

5.) B.) 2.

MEMORANDUM

Date: April 28, 2022

To: Laura Roesslein – Village of Twin Lakes

From: Greg Droessler, P.E.

Subject: Village of Twin Lake – 2022 Street Reconstruction

We received bids for the 2022 Street Reconstruction project that includes repaving about 1.5 miles of local roads, replacement of about 1,000' of storm sewer on Pawley and Thomas Court, the replacement of driveways at 5 lift stations, and the repaving and widening of the entrance road and all pavement at the wastewater treatment facility. We received 3 bids for this project, and a summary of the bids is as follows:

Contractor	Base Bid	Alternate Bid Total
Asphalt Contractors, Inc.	\$991,581.50	\$27,580.00
Reesmans Excavating & Grading, Inc.	\$1,167,526.00	\$24,760.00
Payne & Dolan, Inc.	\$1,504,842.00	\$29,100.00

Project Budget:

The project was originally estimated at about \$745,000 in 2021, but the scope of the project was increased with the addition of an additional 1,200' of Indian Point Road and a new dry hydrant to be added on Pawley for the fire department. These additions to the project were estimated to add an additional \$80,000 to the project cost, but no additional funds were budgeted for them.

Due to the nature of the project, it is to be paid for using funds from 3 different Village sources. The following is a summary of the original budget for each fund or department, as well as the estimated project cost for each funds portion of the overall project:

Department	Original Budget	Estimated Cost
Street Department:	\$465,000	\$666,663
Lake District:	\$80,000*	\$154,530
Sewer Department:	\$200,000	\$170,389
Total:	\$745,000	\$991,582

* \$80,000 was the original estimate for the storm sewer work to be funded by the Lake District. It is unclear if the Lake District was to fund all or one-half the storm sewer project cost.

Based on the project bids, the storm sewer portion of the project was about \$75,000 over the original budget estimate, and the street work an approximate \$172,000 over the original budget. The sewer department work is estimated to be about \$30,000 under the original budget.

Proposed Funding:

The following suggestions are offered for funding the project in its entirety:

TOWN & COUNTRY ENGINEERING, INC.

Madison ♦ Rhinelander ♦ Kenosha
6264 Nesbitt Road • Madison, WI 53719 • (608) 273-3350 • tce@tcengineers.net

1. Manhole Adjustments: If the Village personnel adjusts the existing manholes instead of the contractor, the Village can save an estimated \$17,760.
2. Asphalt Contingency: The Base Bid includes an approximate 10% inflation of the asphalt bid quantities. Close monitoring of the asphalt placement should allow the Village to reduce the paving tonnage by this 10% to save an estimated \$50,000.
3. Erosion Control: If the public works staff installs the erosion control measures in lieu of the contractor, the Village can save an approximate \$15,000 in costs.
4. ARPA Funding: The Village has received over \$600,000 in American Rescue Plan Act funds from the federal government. The Village can consider allocating up to \$200,000 to cover the portion of the Street Department and Lake District costs that are left unfunded for this project.

I would like to discuss the project funding options with the Village Board at the Committee of the Whole meeting before preparing a recommendation for the award of a bid to be presented to the Board in May.

GJD

J:\JOB#\S\Twin Lakes\TL-36-M4 2022 Street Reconstruction\Bidding\Bid Evaluation.docx

BID TABULATION

Project: 2022 Street and Utility Improvements; Village of Twin Lakes

Engineer's Project Number: TL 36 Bid Deadline: April 13, 2022 at 1:00 p.m. local time

ITEM NO.	DESCRIPTION OF WORK	BID		PRE-BID ESTIMATE		Asphalt Contractors, Inc.		Reesmans Excavating & Grading, Inc.		Payne & Dolan, Inc.	
		QUANT.	UNITS	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
BASE BID - Street Work											
1.	12" HDPE Storm Sewer	370	lin. ft.	\$ 35.00	\$ 12,950.00	\$ 60.00	\$ 22,200.00	\$ 75.00	\$ 27,750.00	\$ 69.00	\$ 25,530.00
2.	18" HDPE Storm Sewer	440	lin. ft.	\$ 45.00	\$ 19,800.00	\$ 73.00	\$ 32,120.00	\$ 82.00	\$ 36,080.00	\$ 82.00	\$ 36,080.00
3.	24" HDPE Storm Sewer	240	lin. ft.	\$ 50.00	\$ 12,000.00	\$ 90.00	\$ 21,600.00	\$ 102.00	\$ 24,480.00	\$ 101.00	\$ 24,240.00
4.	30" HDPE Storm Sewer	80	lin. ft.	\$ 70.00	\$ 5,600.00	\$ 114.00	\$ 9,120.00	\$ 130.00	\$ 10,400.00	\$ 134.00	\$ 10,720.00
5.	36" HDPE Storm Sewer	160	lin. ft.	\$ 90.00	\$ 14,400.00	\$ 133.00	\$ 21,280.00	\$ 190.00	\$ 30,400.00	\$ 126.00	\$ 20,160.00
6.	48" Storm Sewer Manholes	4	each	\$ 4,000.00	\$ 16,000.00	\$ 3,060.00	\$ 12,240.00	\$ 3,000.00	\$ 12,000.00	\$ 2,885.00	\$ 11,540.00
7.	60" Storm Sewer Manholes	3	each	\$ 5,000.00	\$ 15,000.00	\$ 4,030.00	\$ 12,090.00	\$ 4,500.00	\$ 13,500.00	\$ 3,425.00	\$ 10,275.00
8.	Precast Area Inlets	7	each	\$ 3,500.00	\$ 24,500.00	\$ 2,780.00	\$ 19,460.00	\$ 3,600.00	\$ 25,200.00	\$ 2,800.00	\$ 19,600.00
9.	36" Precast Endwall	1	each	\$ 4,000.00	\$ 4,000.00	\$ 3,320.00	\$ 3,320.00	\$ 4,500.00	\$ 4,500.00	\$ 3,400.00	\$ 3,400.00
10.	12" Precast Endwall	1	each	\$ 1,100.00	\$ 1,100.00	\$ 1,100.00	\$ 1,100.00	\$ 1,500.00	\$ 1,500.00	\$ 1,800.00	\$ 1,800.00
11.	Adjust Manhole Casting	24	each	\$ 750.00	\$ 18,000.00	\$ 740.00	\$ 17,760.00	\$ 700.00	\$ 16,800.00	\$ 455.00	\$ 10,920.00
12.	12" C900 PVC Water Main	175	lin. ft.	\$ 125.00	\$ 21,875.00	\$ 133.00	\$ 23,275.00	\$ 175.00	\$ 30,625.00	\$ 115.00	\$ 20,125.00
13.	Dry Hydrant	1	each	\$ 2,800.00	\$ 2,800.00	\$ 6,560.00	\$ 6,560.00	\$ 30,000.00	\$ 30,000.00	\$ 6,850.00	\$ 6,850.00
14.	Mountable Curb	50	lin. ft.	\$ 40.00	\$ 2,000.00	\$ 55.00	\$ 2,750.00	\$ 68.50	\$ 3,425.00	\$ 4,500.00	\$ 225,000.00
15.	Pulverizing and Grading of Existing Asphalt Pavement	18,540	sq. yds.	\$ 3.50	\$ 64,890.00	\$ 3.70	\$ 68,598.00	\$ 5.50	\$ 101,970.00	\$ 3.50	\$ 64,890.00
16.	4" Mill of Existing Asphalt Pavement	1,450	sq. yds.	\$ 3.50	\$ 5,075.00	\$ 6.90	\$ 10,005.00	\$ 5.10	\$ 7,395.00	\$ 8.00	\$ 11,600.00
17.	Grading and Shaping Shoulders	7,600	lin. ft.	\$ 2.00	\$ 15,200.00	\$ 5.15	\$ 39,140.00	\$ 5.00	\$ 38,000.00	\$ 3.50	\$ 26,600.00
18.	Excavation and Disposal of Bad Subbase	750	cu. yd.	\$ 17.00	\$ 12,750.00	\$ 26.00	\$ 19,500.00	\$ 18.50	\$ 13,875.00	\$ 42.00	\$ 31,500.00
19.	Crushed Aggregate Base Course Replacement of Excavation of Bad Subbase	680	tons	\$ 15.00	\$ 10,200.00	\$ 20.00	\$ 13,600.00	\$ 42.00	\$ 28,560.00	\$ 30.00	\$ 20,400.00
20.	2" Hot-Mix Asphalt Lower Course, Type 4 LT	2,540	tons	\$ 90.00	\$ 228,600.00	\$ 79.00	\$ 200,660.00	\$ 88.00	\$ 223,520.00	\$ 116.00	\$ 294,640.00
21.	Clean & Tack	19,990	sq. yd.	\$ 0.30	\$ 5,997.00	\$ 0.55	\$ 10,994.50	\$ 0.65	\$ 12,993.50	\$ 0.40	\$ 7,996.00
22.	2" Hot-Mix Asphalt Surface Course, Type 5 LT	2,540	tons	\$ 90.00	\$ 228,600.00	\$ 83.00	\$ 210,820.00	\$ 92.50	\$ 234,950.00	\$ 116.00	\$ 294,640.00
23.	Traffic Control	1	lump sum	\$ 10,000.00	\$ 10,000.00	\$ 28,000.00	\$ 28,000.00	\$ 15,300.00	\$ 15,300.00	\$ 14,500.00	\$ 14,500.00
24.	Erosion Control	1	lump sum	\$ 10,000.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00	\$ 9,000.00	\$ 9,000.00	\$ 26,600.00	\$ 26,600.00
BASE BID - Wastewater Plant Work											
25.	Pulverizing and Grading of Existing Asphalt Pavement	3,780	sq. yds.	\$ 3.50	\$ 13,230.00	\$ 1.85	\$ 6,993.00	\$ 7.00	\$ 26,460.00	\$ 6.00	\$ 22,680.00
26.	Removal and Grading of Existing Lift Station Driveways	490	sq. yds.	\$ 18.00	\$ 8,820.00	\$ 23.00	\$ 11,270.00	\$ 30.00	\$ 14,700.00	\$ 57.00	\$ 27,930.00
27.	Grading and Shaping Shoulders	2,980	lin. ft.	\$ 2.00	\$ 5,960.00	\$ 5.15	\$ 15,347.00	\$ 5.00	\$ 14,900.00	\$ 3.80	\$ 11,324.00
28.	Excavation and Disposal of Bad Subbase	715	cu. yd.	\$ 15.00	\$ 10,725.00	\$ 26.00	\$ 18,590.00	\$ 18.50	\$ 13,227.50	\$ 39.60	\$ 28,314.00

BID TABULATION

Project: 2022 Street and Utility Improvements; Village of Twin Lakes
 Engineers Project Number: TL 36 Bid Deadline: April 13, 2022 at 1:00 p.m. local time

ITEM NO.	DESCRIPTION OF WORK	BID		PRE-BID ESTIMATE		Asphalt Contractors, Inc.		Reesmans Excavating & Grading, Inc.		Payne & Dolan, Inc.	
		QUANT.	UNITS	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
29.	Crushed Aggregate Base Course Replacement of Excavation of Bad Subbase	650	tons	\$ 15.00	\$ 9,750.00	\$ 20.00	\$ 13,000.00	\$ 42.00	\$ 27,300.00	\$ 60.00	\$ 39,000.00
30.	2" Hot-Mix Asphalt Lower Course, Type 4 LT	540	tons	\$ 90.00	\$ 48,600.00	\$ 90.00	\$ 48,600.00	\$ 96.60	\$ 52,164.00	\$ 125.00	\$ 67,500.00
31.	Clean & Tack	4,270	sq. yd.	\$ 0.30	\$ 1,281.00	\$ 0.70	\$ 2,989.00	\$ 0.80	\$ 3,416.00	\$ 0.40	\$ 1,708.00
32.	2" Hot-Mix Asphalt Surface Course, Type 5 LT	540	tons	\$ 90.00	\$ 48,600.00	\$ 90.00	\$ 48,600.00	\$ 100.25	\$ 54,135.00	\$ 132.00	\$ 71,280.00
33.	Erosion Control	1	lump sum	\$ 2,500.00	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 9,000.00	\$ 9,000.00	\$ 15,500.00	\$ 15,500.00
	BASE BID TOTAL				\$ 910,803.00		\$ 991,581.50		\$ 1,167,526.00		\$ 1,504,842.00
ALTERNATE BID - Alternate Storm Sewer Materials - CMP											
A1.	Add/Deduct for 12" CMP Storm Sewer	370	lin. ft.	\$ 15.00	\$ 5,550.00	\$ 18.00	\$ 6,660.00	\$ 16.00	\$ 5,920.00	\$ 18.00	\$ 6,660.00
A2.	Add/Deduct for 18" CMP Storm Sewer	440	lin. ft.	\$ 10.00	\$ 4,400.00	\$ 21.00	\$ 9,240.00	\$ 19.00	\$ 8,360.00	\$ 23.00	\$ 10,120.00
A3.	Add/Deduct for 24" CMP Storm Sewer	240	lin. ft.	\$ 30.00	\$ 7,200.00	\$ 17.00	\$ 4,080.00	\$ 14.00	\$ 3,360.00	\$ 19.00	\$ 4,560.00
A4.	Add/Deduct for 30" CMP Storm Sewer	80	lin. ft.	\$ 10.00	\$ 800.00	\$ 29.00	\$ 2,320.00	\$ 27.00	\$ 2,160.00	\$ 33.00	\$ 2,640.00
A5.	Add/Deduct for 36" CMP Storm Sewer	160	lin. ft.	\$ 65.00	\$ 10,400.00	\$ 33.00	\$ 5,280.00	\$ 31.00	\$ 4,960.00	\$ 32.00	\$ 5,120.00
	ALTERNATE BID TOTAL				\$ 28,350.00		\$ 27,580.00		\$ 24,760.00		\$ 29,100.00

Chapter 9.80

TOBACCO PRODUCTS

Sections:

- 9.80.010 Definitions.
- 9.80.020 Restrictions.
- 9.80.030 Defense of retailer.
- 9.80.040 Penalties.
- 9.80.050 Local Ordinance.

9.80.010 Definitions.

In this Section:

- A. "Cigarettes" has the meaning given in Wis. Stats. Section 139.30(I).
- B. "Distributor" means any of the following:
 - 1. A person specified under Wis. Stats. Section 139.30(3);
 - 2. A person specified under Wis. Stats. Section 139.75(4).
- C. "Identification card" means any of the following:
 - 1. A license containing a photograph issued under Chapter 343;
 - 2. An identification card issued under Wis. Stats. Section 343.50;
 - 3. An identification card issued under Wis. Stats. Section 125.08, Wisconsin Stats.
- D. "Jobber" has the meaning given in Wis. Stats. Section 139.30(6).
- E. "Law enforcement Officer" has the meaning given in Wis. Stats. Section 30.50(4s).
- F. "Manufacturer" means the following:
 - 1. A person specified under Wis. Stats. Section 139.30(7);
 - 2. A person specified under Wis. Stats. 139.85(5).
- G. "Retailer" means any person licensed under Wis. Stats. Section 134.65(1).
- H. "School" has the meaning given in Wis. Stats. Section 118.257(1)(c).
- I. "Subjobber" has the meaning given in Wis. Stats. Section 139.75(11).
- J. "Tobacco products" has the meaning given in Wis. Stats. Section 139.75(12).
- K. "Vending machine" has the meaning given in Wis. Stats. Section 139.30(14).
- L. "Vending machine operator" has the meaning given in Wis. Stats. Section 139.30(15).

(Ord. 94-5-4 (part); Ord. 94-5-2 (part)).

9.80.020 Restrictions.

A. No retailer may sell or give cigarettes or tobacco products to any person under the age of eighteen (18) except as provided in Wis. Stats. Section 48.983 (3). A vending machine operator is not liable under this subsection for the purchase of cigarettes or tobacco products from his or her vending machine by a person under the age of eighteen if the vending machine operator was unaware of the purchase.

B.*1.*A retailer shall post a sign in areas within his or her premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of eighteen (18) is unlawful under this Section and Wis. Stats. Section 48.983.

2. A vending machine operator shall attach a notice in a conspicuous place on the front of his or her vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of eighteen (18) is unlawful under Wis. Stats. Section 48.983 and that the purchaser is subject to a forfeiture of not to exceed twenty-five dollars (\$25.00).

C.*1.*Except as provided in subsection D of this Section, no retailer may keep a vending machine in any public place that is open to persons under the age of eighteen (18) unless all of the following apply:

a. The vending machine is in a place where it is ordinarily in the immediate vicinity, plain view and control of an employee;

b. The vending machine is in a place where it is inaccessible to the public when the premises are closed.

2. The person who ultimately controls, governs or directs the activities within the premises where the vending machine is located shall ensure that an employee of the retailer remains in the immediate vicinity, plain view and control of the vending machine whenever the premises are open.

3. Except as provided in subsection (C) (4) of this Section, a vending machine operator shall remove all of his or her vending machines that are located in any place prohibited by this subsection by June 1, 1992.

4. Notwithstanding subsection (C)(3) of this Section, if a written agreement binding on a vending machine operator governs his or her vending machine that is located in any place prohibited by this subsection, the vending machine operator shall remove the vending machine on the date that the written agreement expires or would be extended or renewed or on May 1, 1993, whichever occurs first.

D. 1.*Notwithstanding subsection C of this Section, no retailer may place a vending machine within five hundred (500) feet of a school.

2. Except as provided in subsection (D)(3) of this Section, a vending machine operator shall remove all of his or her vending machines which are located within five hundred (500) feet of a school by September 1, 1989.

3. Notwithstanding subsection (D)(2) of this Section, if a written agreement binding on a vending machine operator governs the location of his or her vending machine which is located within five hundred (500) feet of a school, the vending machine operator shall remove the vending machine on the date that the written agreement expires or would be extended or renewed on or before May 1, 1993, whichever occurs first.

E. No manufacturer, distributor, jobber, subjobber or retailer, or their employees or agents may provide cigarettes or tobacco products for nominal or no consideration to any person under the age of eighteen (18).

F. Except as provided in subsection G of this Section, no child may do any of the following:

1. Buy or attempt to buy any cigarettes or tobacco product;

2. Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product;

3. Possess any cigarette or tobacco product.

4. No person shall sell, give or otherwise furnish to any person under the age of 18 years any vapor product as defined in § 139.75(14), Wis. Stats., nor shall any person under the age of 18 years purchase, acquire, possess or use any such vapor product.

G. A child may purchase or possess cigarettes or tobacco products for the sole purchase of resale and the course of employment during his or her working hours if employed by a retailer licensed under Wis. Stats. Section 134.65(1).

H. A law enforcement Officer shall cease any cigarette or tobacco product involved in any violation of subsection F of this Section committed in his or her presence. (Ord. 94-5-4 (part); Ord. 94-5-2 (part)).

9.80.030 Defense of Retailer.

Proof of all of the following facts by a retailer who sells cigarettes or tobacco products to a person under the age of eighteen (18) is a defense to any prosecution for a violation of Section 9.80.020(A):

A. That the purchaser falsely represented that he or she had attained the age of eighteen (18) and presented an identification card;

B. That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of eighteen (18);

C. That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of eighteen (18). (Ord. 94-5-2 (part)).

9.80.040 Penalties.

A. In this Section, "violation" means a violation of Section 9.80.020(A), (C), (D) or (E) or a local Ordinance which strictly conforms to Section 9.80.020(A), (C), (D) or (E).

B. A person who commits a violation is subject to a forfeiture of:

1. Not more than five hundred dollars (\$500.00) if the person has not committed a previous violation within twelve (12) months of the violation; or

2. Not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) if the person has committed a previous violation within twelve (12) months of the violation.

C. A Court shall suspend any license or permit issued under Wis. Stats. Sections 134.54, 139.34 or 139.79 to a person for:

1. Not more than three days, if the Court finds that the person committed a violation within twelve (12) months after committing one previous violation;

2. Not less than three (3) days nor more than ten (10) days, if the Court finds that the person committed a violation within twelve (12) months after committing two other violations; or

3. Not less than fifteen (15) days nor more than thirty (30) days, if the Court finds that the person committed the violation within twelve (12) months after committing three or more other violations.

D. The Court shall promptly mail notice of a suspension under subsection C of this Section to the department of revenue and to the clerk of each municipality which has issued a license or permit to the person.

E. Whoever violates Section 9.80.020(B) shall forfeit not more than twenty-five dollars (\$25.00).

F. Any person violating any provision of Section 9.80.020(F) through (H) shall be subject to the penalties provided in Section 1.12.101. Ordinance 94-5-4 is adopted pursuant to Wisconsin State Statute 48.983. (Ord. 94-5-4 (part); Ord. 94-5-2 (part)).

9.80.050 Local Ordinance.

Ordinance 94-5-2 adopts Wisconsin State Statute 134.66. (Ord. 94-5-2 (part)).

Chapter 9.41

CONDUCT IN PUBLIC PARKS AND BEACHES

Sections:

- 9.41.010 Definition.
- 9.41.015 Identification of Certain Parks.
- 9.41.020 Closing Hours.
- 9.41.030 Prohibited Acts and Conduct.
- 9.41.040 Penalty.

9.41.010 Definition.

As used in this Chapter, "park" means and shall include all public parks and public beaches and other lands within the Village of Twin Lakes which are under the jurisdiction of the Twin Lakes Park Commission and the Village Board. (Ord. 85-6-3 (part)).

9.41.015 Identification of Certain Parks.

A. Purpose. This Section identifies park and recreation areas owned or controlled by the Village of Twin Lakes for the purpose of protecting these areas for future use as park and recreational areas and to identify appropriate and prohibited uses of these areas. This Section is not intended to modify or limit the interpretation of other Sections of this Chapter or Code.

B. Appropriate Uses. The properties or areas identified in this Section shall continue to be used or will only be developed for use as park or recreational areas with uses typical of these areas such as, but not limited to, passive use open spaces and nature or wildlife preserves, bike or multi use trails, picnic areas, athletic fields and Courts, open play areas, playgrounds, and beaches as well as their related and attendant uses such as parking areas and access roads. Stormwater control and treatment activities, not including the construction of above ground structures, may be allowed by majority vote of the Village Board.

C. Prohibited Uses. The properties or areas identified in this Section shall not be used or developed in a manner inconsistent with this Section. Such prohibited uses shall include any use which would impede or destroy the park or recreational use of the area including, but not limited to, development of general use streets or roads, construction or development of non-park/recreation related structures or buildings, or sale or transfer of the land. This is not intended to prevent the conversion of a property or area into another type of appropriate use.

D. Identified Parks. The following properties or areas are hereby identified and are subject to the regulations of this Section:

1. Lance Park - Parcel 85-4-119-214-2200;
2. Legion Park - Parcel 85-4-119-223-1000;
3. West Side Park - Parcels 86-4-119-293-3101 and 86-4-119-293-2062;
4. Millennium Park - Parcel 86-4-119-324-4101;
5. Historic Icehouse Trail - Those portions of Parcels 85-4-119-211-4950 and 85-4-119-211-4940 in the northwest quarter of Section 22 and west of the Chapel Avenue right-of-way extended;
6. Sunset Beach Park - Sunset Road right-of-way east of Lakeshore Way;
7. Lucille Beach Park - Parcel 86-4-119-294-3055;
8. Musial Road Park - Musial Road right-of-way from the shores of Lake Elizabeth to a line one hundred fifty (150) feet west.

E. Amendments to this Section shall be made via the Charter Ordinance provisions of State Statute.

(Ord. 2006-6-7).

9.41.020 Closing Hours.

All parks and beaches as defined in this Chapter shall be closed to all persons between the hours of ten (10:00) p.m. and sunrise, and during such period no person shall enter or remain in any park **with the exception of West Side Park. West Side Park closes at Dusk. The sled hill and south parking lot shall close at 10pm from November 1st to April 1st.**

(Ord. 85-6-3 (part)).

9.41.030 Prohibited Acts and Conduct.

The following acts are prohibited on any park or beach, and no person shall:

A. Bring, sell, have in possession, consume or give away any fermented malt beverage or intoxicating liquor, except private parties may bring, consume and possess fermented malt beverage or wine only in specific locations and during specific times as provided by permit obtained from the Village and authorized by the Park Commission.

B. Wade, bathe or swim in any area, except those areas of beaches authorized for such purpose, or go beyond designated swimming areas designated by markers or buoys.

C. Bring into any beach any glass, or any beverage and liquid, food, or product or material in glass containers.

D. Build or create any fire, whether in the open or in grills and containers on any beach, or in any park, except in areas designated by the Park Commission, and then only in grills or containers as approved by the Commission. There shall be no open fires in any park.

E. Except in designated areas, play such games as baseball, football, frisbee, or other games which would interfere with the enjoyment of the park or beach by other persons.

F. Allow a vehicle to be parked in any park or beach area except in designated parking areas.

G. Place or leave any paper, rubbish, garbage or other debris, or clean fish in any beach or park area, nor shall any person remove, destroy or injure any structure, tree, shrub or any flower or other property within the park.

H. Indulge in any violent, abusive, indecent, profane, unreasonably loud or otherwise disturbing conduct which tends to detract from the enjoyment of others using the park or beach.

I. Sell or offer to sell any food, material or article, or conduct any trade or business, or solicit or perform any service for hire in any park or beach. (Ord. 2002-6-3; Ord. 2000-5-4; Ord. 85-6-3 (part)).

J. Ride a bicycle, skateboard or similar device on any table, bench, seat, pier, amphitheater, wall or other such area, or in any area identified by the Park Commission and marked by signs. (Ord. 2010-12-4)

9.41.040 Penalty.

A. Any person convicted of violation of any of the provisions of this Chapter shall upon conviction be subject to a forfeiture of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00) for the first offense, and no less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for a second offense within one (1) year, together with the cost, and in default of such payment of forfeiture be confined to the Kenosha County Jail for a period not to exceed ten (10) days on the first offense, or thirty (30) days for the second offense within one (1) year.

B. Bond posting for a citation issued under this Chapter shall be seventy-five dollars (\$75.00). (Ord. 85-6-3 (part)).