

Town of Dodgeville  
Code of Ordinances

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Published by Order of the Town Board  
2002

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OFFICIALS  
of the  
TOWN OF  
DODGEVILLE, WISCONSIN  
AT THE TIME OF THIS CODIFICATION

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Curt Peterson  
*Town Chair*

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David Dolan  
Michael James  
John Lind  
David Thomas  
*Supervisors*

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Barbara Ley  
*Clerk-Treasurer*

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Laurie Maloney  
*Administrator*

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The Town Board of the Town of Dodgeville, Iowa County, Wisconsin do ordain as follows: All existing ordinances of the Town of Dodgeville are repealed and recreated to read as follows: *See Code of Ordinances Attached Hereto and Incorporated Herein by Reference.*

Publication of this Code of Ordinances shall be pursuant to S. 66.0103 of the Wis. Stats.. A copy of this Code of Ordinances shall be available for public inspection not less than 2 (two) weeks before it is enacted. After this Code of Ordinances is enacted, a copy shall be maintained and available for public inspection in the town office.

This Code of Ordinances does not repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements or permits previously entered into or issued.

The provisions of this Code of Ordinances shall be severable. If any provision is found by a court of competent jurisdiction to be unlawful or unenforceable, such finding shall apply only to that provision and all other provisions shall remain valid and in full force and effect.

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## Chapter 1

### SOLID WASTE AND RECYCLING (Revised 4/20/2007)

#### Sec. 1-1 Purpose and Authorization.

- A) *Purpose.* The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in **Chapter 287, Wisconsin Statutes** s. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.
- B) *Authorization.* This ordinance is adopted as authorized under **Chapter 287, Wisconsin Statutes** s. 159.09(3)(b), Wis. Stats.
- C) *Interpretation.* In their interpretation and application, the provisions of this ordinance 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** Wis. Stats. Where any terms or requirements of this ordinance may be **inconsistent or conflicting** in consistent or confliction, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by **Wisconsin Statutes** Wis. Stats., or by a standard in Chapter **NR NT** 544, **Wisconsin** Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the **Wisconsin Statutes** Wis. Stats. and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

#### Sec. 1-2 Applicability and Administration.

- A) *Applicability.* The requirements of this ordinance apply to all persons within the Town of Dodgeville.
- B) *Administration.* The provisions of this ordinance shall be administered by the Board or their designee.
- C) *Local Government Purchasing.* The Town of Dodgeville shall, to the extent practicable, make purchasing decisions to maximize the purchasing of products made from recovered materials. The Town of Dodgeville shall, to the extent practicable, award contracts for equipment and supplies on the basis of recyclability and ultimate disposition of products to discourage the purchase of single-use disposable products and require purchase of multiple-use, durable products.

D) *Unauthorized Garbage.*

- 1) No person shall dispose of or dump garbage in any street, road or other public place within the Town of Dodgeville or in any receptacles on or private property without the owner's consent unless it is placed in bags or containers in the manner and in the times specified in this ordinance.
- 2) No person shall bring refuse for disposal (and recyclables) from outside the corporate limits into the Town unless authorized by agreement with the Town of Dodgeville.

**Sec. 1-3 Definitions.**

A) For the purposes of this ordinance, the following definitions are utilized:

- 1) "*Bi-metal container*" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- 2) "*Container board*" means corrugated paperboard used in the manufacture of shipping containers and related products.
- 4) "*HDPE*" means high density polyethylene, labeled by the SPI code #2.
- 5) "*LDPE*" means low density polyethylene, labeled by the SPI code #4.
- 6) "*Magazines*" means magazines and other materials printed on similar paper.
- 7) "*Major appliance*" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, computer, printer, television, furnace, boiler, dehumidifier or water heater.
- 8) "*Multiple-family dwelling*" means a property containing 5 or more residential units, including those which are occupied seasonally.
- 9) "*Newspaper*" means a newspaper and other materials printed on newsprint
- 10) "*Non-residential facilities and properties*" means commercial, retail, industrial, agricultural, institutional and government facilities and properties. This term does not include multiple family dwellings.
- 11) "*Office paper*" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples office paper generally accepted as high grade. This term does not include industrial process waste.
- 12) "*Other resins or multiple resins*" means plastic resins labeled by the SPI code #7.

- 13) “*Person*” includes any individual, corporation, partnership, association, local governmental unit, as defined in s.66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- 14) “*PETE*” means polyethylene terephthalate, labeled by the SPI code #1
- 15) “*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.
- 16) “*Post consumer waste*” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5). Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)(1), Wis. Stats.
- 17) “*PP*” means polypropylene, labeled by the SPI code #5.
- 18) “*PS*” means polystyrene, labeled by the SPI code #5.
- 19) “*PVC*” means polyvinyl chloride, labeled by the SPI code #5.
- 20) “*Recyclable materials*” includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; glass containers; magazines; newspaper, office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- 21) “*Solid waste*” has the meaning specified in s. 144.43(15), Wis. Stats.
- 22) “*Solid waste facility*” has the meaning specified in s. 144.43(5), Wis. Stats.
- 23) “*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.
- 24) “*Waste tire*” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 25) “*Yard waste*” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

## Sec. 1-4 Mandatory Recyclable Materials.

A) *Separation of Recyclable Materials.* Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post consumer waste:

- 1) Lead acid batteries, **non lead acid batteries**
- 2) Major appliances
- 3) Waste oil
- 4) Yard waste
- 5) Aluminum containers
- 6) Bi-metal containers
- 7) Corrugated paper or other container board
- 8) Glass containers
- 9) Magazines
- 10) Newspaper
- 11) Office paper
- 12) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- 13) Steel containers
- 14) Waste tires
- 15) **Fluorescent Light Bulbs**

B) *Separation Requirements Exempted.* These separation requirements do not apply to the following:

- 1) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their post consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers **those that** materials specified in s. 1-4(a)(5-15) from solid waste in as pure a form as is technically feasible.



- 2) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the **heat hear** input to the facility is derived from the solid waste burned as a supplemental fuel.
  - 3) A recyclable material specified in s. 1-4(a) for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative code.
- C) *Care of Separated Recyclable Materials.* To the greatest extent practicable, the recyclable material separated in accordance with s. 1-4(a) shall be clean and kept free of contaminants such as food or product residue, oil or grease **containers**, or other non-recyclable materials, including but not limited to **too** household hazardous waste, medical waste, and agricultural chemical containers **if rinsed 3 times**. Recyclable materials shall be stored in a manner that protects them from wind, rain, and other inclement weather conditions.
- D) *Non-disposable materials.* No person shall place for disposal any of the following wastes: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees, and stumps (except Christmas trees), construction debris, carcasses, medical wastes (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel).

**Sec. 1-5 Preparation, collection and management of recyclable materials and solid waste.**

A) *Lead Acid Batteries, Major Appliances, Waste oil and yard waste as follows:*

- 1) Lead acid (**vehicle**) and **non-lead acid batteries** shall be taken to a retail business that sells vehicle batteries. **Other batteries (such as flashlight and household) are collected at the Recycling Center.**
- 2) Major appliances shall be taken to a retail business which handles used appliances or to a scrap dealer certified to handle major appliances, or to the Town of Dodgeville Recycling Center when there are special clean up days for such items.
- 3) Waste oil shall be taken to a facility that collects waste oil, which may include the Town of Dodgeville Recycling Center.
- 4) Yard waste shall not be disposed of as solid waste and every effort shall be made to compost yard waste on the site where it originated.

B) *Preparation and collection of Recyclable Materials.* Except as otherwise directed by the Town Board or its designee, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in s. 1-4(a) and 1-11(B). All of the following materials shall be placed in the appropriate designated receptacle at the Town of Dodgeville drop-off site during the days and hours of operation.

- 1) Aluminum containers shall be rinsed free of product residue.
- 2) Bi-Metal containers shall be rinsed free of product residue.
- 3) Glass containers of the colors clear, brown, and green are to be recycled and shall be rinsed free of product. Labels do not have to be removed.
- 4) Corrugated paper or other container board shall be free of debris and flattened.
- 5) Magazines, Newspapers, and office paper shall be bundled or bagged.
- 6) Plastic containers made of PETE, including clear and green soda and liquor bottles, HDPE, including mild and detergent bottles, and other container plastics #1 through #7 will be recycled, as long as the provider has markets for these products. The containers shall be rinsed free of product residue and caps shall be removed and discarded.
- 7) Steel containers shall be rinsed free of product residue and labels shall be removed. The containers do not need to be flattened.
- 8) Waste tires shall not be disposed of as solid waste. They shall be returned to an automotive tire dealer or to an approved waste tire recycler or to the Town of Dodgeville Recycling Center when there are special clean up days for such items.

Specified Containers. Solid waste shall be delivered in plastic bags, not to exceed 40 gallons, and contained in a manner to avoid litter, or in open containers, not to exceed 40 gallons, for a total of up to 60-40 gall bags per year or 2400 gallons, which are dumped into the collector hopper.

- C) *Responsibilities of Owners or Agents of Multiple-Family Dwelling.* Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 1-4(A) and 1-11(B).
- 1) **Contract with a Commercial Solid Waste Management Company for on-site disposal of solid waste and recycling materials of tenants.**
  - 2) Provide adequate, separate containers for the recyclable materials.
  - 3) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - 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 contact person or company, including a name, address, and telephone number.

- D) *Responsibilities of Owners or Agents of non-Residential Facilities and properties.* Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 1-4(a) and 1-11(B).
- 1) **Contract with a Commercial Solid Waste Management Company for on-site disposal of solid waste and recycling materials of tenants.**
  - 2) Provide adequate, separate containers for the recyclable materials.
  - 3) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
  - 4) **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.**
  - 5) Notify users, tenants and occupants 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 contact person or company, including a name, address, and telephone number.
- E) *Anti scavenging of recyclables.* No person, unless under contract with the Town of Dodgeville, shall collect or remove any recyclable material that has been deposited or placed in the designated receptacle at the Town of Dodgeville drop-off site for the purposes of collection for recycling.
- F) *Exemptions.* The Town Board reserves the right to designate additional solid waste materials as recyclable in accordance with state law and to either add or delete them from any collection services provided by the Town of Dodgeville. The Town Board or its designee shall provide written notice to its service recipients of this declaration through official postings.

**Sec. 1-6 Preparation, collection and management of solid waste materials.**

- A) *Separation of Solid Waste Materials from Recyclable Materials.* Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate recyclable materials from post-consumer solid waste.
- B) ***Multiple Family Dwellings and non-residential facilities and properties as defined in Section C on Page 10.s.* These properties shall contract with a Commercial Solid Waste Management Company for on-site disposal of solid waste and recycling materials.**

**Sec. 1-7 Hauler Specifications.**

- A) *Hauler licensing.* No person or corporation shall engage in the business of hauling recyclables within the Town of Dodgeville without being licensed by the Department of Natural Resources under s. NR 502, Wis. Administrative Code.

- B) *Hauler/Processor restrictions.* Haulers and processors may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Town of Dodgeville that have been separated for recycling, except waste tires which may be burned with energy recovery in a solid waste treatment facility. Haulers and processors shall not compact glass with paper during collection and transport of recyclables to a processing facility or market, and shall maintain materials in marketable condition.
- C) *Right to Reject Materials.* The drop off attendant has the right to reject any recyclable material that is not prepared according to the specifications of s. 1-5(b). Materials may also be rejected if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. The drop off attendant also has the right to reject any solid waste if it contains recyclable containers and material. In such cases, the drop off attendant shall notify the generator of the materials about the reasons for rejecting the items in writing. The drop off attendant shall also keep a list of such occurrences and provide it to the Town of Dodgeville on a weekly basis.
- D) *Reporting Requirements.* The recycling hauler and processor operation in the Town of Dodgeville is required to maintain records and report in writing to the Town Office at least once each year. Reports shall include: the amount of solid waste and recyclables collected and transported for the Town of Dodgeville; the amount of solid waste and recyclable material. Failure to report shall be cause for the Town of Dodgeville to sever the contract with the hauler / processor.

#### **Sec. 1-8      Enforcement.**

- A) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee, or representative of the Town of Dodgeville may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwelling and non-residential facilities and properties, and any records related to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Dodgeville 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 ordinance may be issued a citation by the Town Chairman or their designee to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- C) Penalties for violation this ordinance may be assessed as follows:

- 1) Any person who violates s. 1-7(b) may be required to forfeit \$50 for the first violation, \$200 for the second violation, and not more than \$2000 for a third or subsequent violation.
- 2) Any person who violates a provision of this ordinance, except s. 1-7(b), may be required to forfeit not less than \$25 nor more than \$1000 for each violation.

## Chapter 2

### SUBDIVISION

#### Sec. 2-1 Introduction.

- A) *Authority.* These regulations are adopted under the authority granted by s. 236.45 Wis. Stats.
- B) *Purpose and Intent.* The purpose of this ordinance is to promote the public health, safety and general welfare of the Town, and to lessen congestion in the highways; to further the orderly layout and use of land; to secure safety from fire, panic overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water sewerage, energy and communication facilities, surface drainage, schools, parks, playgrounds and other public requirements; to facilitate the further re-subdivision of larger parcels into smaller parcels of land.
- C) *Definitions.* For the purposes of this ordinance, the following definitions shall be used. All terms which indicate gender shall be interpreted as including all persons. The word “shall” is mandatory.
- 1) *"Agency"* means the Town of Dodgeville Plan Commission.
  - 2) *"Extraterritorial Plat Approval Jurisdiction"* means the unincorporated area within one and one-half (1 ½) miles of the corporate limits of a city of the fourth class (the City of Dodgeville).
  - 3) *"Improvements"* means the specific design standards required by the Agency to be installed.
  - 4) *"Land Division"* means any division of a parcel of land where the act of division created a lot, parcel, building site of less than thirty-five (35) contiguous acres.
  - 5) *"Lot"* means A land area of ten (10) acres or less under one ownership, and undivided by street or railroad right-of-way. All calculations of lot area shall be exclusive of any dedications, right-of-way easements, or reservations.

- 6) "*Master Plan*" means A plan for guiding and shaping the growth or development of the Town of Dodgeville and whose preparation is authorized by Wis. Stats..
- 7) "*Parcel*" means contiguous lands under the control of a sub-divider(s) not separated by streets, highways or railroad rights-of-way.
- 8) "*Plat*" means A map of sub-division.
- 9) "*Street*" means A public right-of-way for vehicular traffic of pedestrian and vehicular traffic.
  - a) Arterial Streets and Highways. Streets which provide for rapid movement of concentrated volumes of traffic over relatively long distances between activity acres. Includes all state and county highways and designated township roads.
  - b) Collector Streets. Streets which provide for moderate speed movement within large areas.
  - c) Local Streets. Streets designed for low speeds and volumes, which provide access from low traffic generating areas to collector and arterial streets.
  - d) Marginal Access Streets. Streets which are parallel and adjacent to arterial streets and which provide access to abutting properties.
  - e) Cul-de-sac Streets. Streets closed at one end with turn-a-rounds.
  - f) Dead-end Streets. Streets closed at one end without turn-a-rounds.
- 10) "*Sub divider*" means A person, firm, corporation and/or their designated agent initiation the creation of a land division or subdivision.
- 11) "*Subdivision*" means the division of lot, parcel, tract or one-quarter of a one-quarter s. by the owner thereof or his agent, for the purpose of transfer of ownership r building development, where the act of division creates four (4) or more lots, or where the act of division crates four (4) or more lots by successive division within a five-year period; or proposed, potential or actual public streets are created.

**SEC. 2-2 General Provisions.**

- A) *Compliance.* Any person, firm or corporation dividing land which results in a subdivision or a land division shall prepare a subdivision plat or a certified survey map in accordance with the requirements of this ordinance and;
  - 1) The provisions of Chapter 236 and Sec 80.08, Wis. Stats..

- 2) The rules of the Department of Commerce contained in Sec Comm 83 and sec Comm 85, Wisconsin Administrative Code for subdivisions not served by public sewer.
  - 3) The rules of the Division of Highways, Wisconsin State Department of Transportation contained in HY 33, Wisconsin Administrative Code for subdivisions, which about a state trunk highway or connecting street.
  - 4) The rules of the Wisconsin Department of Natural Resources contained in NR 116, Wisconsin Administrative Code for Flood Plain Management Programs.
  - 5) Iowa County Ordinances and regulations
  - 6) Master Plan or Master Plan component.
  - 7) The rules and by-laws of the State Department of regulation and Licensing.
- B) *Access.* No lot, land division or parcel shall be created or sold unless it is accessible to a street or a recorded right-of-way. Every lot within a subdivision shall front on a publicly dedicated and improved street for a distance of at least fifty (50) feet, provided that the lot width at the building setback line complies with the Iowa County Zoning Ordinance. Every lot, parcel or tract not located within a subdivision shall front on a publicly dedicated street or a recorded right-of-way for at least fifty (50) feet, unless a lesser frontage is approved in writing by the Agency. Lo frontage of less than fifty (50) feet may be approved only where existing and potential ownership patterns make a larger frontage impractical or unnecessary.
- C) *Dedication of Land for Streets and Public Ways.* Any street created for the purposes of this s. or S. 2-2(b) shall be made a part of a plat or certified survey and dedicated to the public for street purposes. However, the dedication of street right-of-way. Acceptance of any street, road or highway for maintenance purposes shall require compliance with the design and construction standards of this ordinance and those of the applicable highway maintenance authority. The width of any dedicated street shall be sixty-six (66) feet, unless a wider right-of-way is requested by the appropriate highway authority, in which case, the wider right-of-way shall be dedicated. Rights-of-way less that sixty-six (66) feet wide are prohibited, except as approved in writing by the Agency and the town upon their finding that a wider right-of-way is unnecessary or impractical to achieve.
- D) *Dedication of Lands for Parks, Playgrounds, or Natural areas.* Whenever a lot is to be created, a dedication of lands for park, playground or natural area may be required by the Agency. This area shall equal not more than ten (10) percent of the area shown on any new preliminary plat, final plat or certified survey map and shall be dedicated by the sub divider with the ownership transferred to Iowa County or the Town of Dodgeville by means of a warranty deed free and clear of all encumbrances and restrictions. The unit of government to receive title shall be designated by the Agency.
- E) *Reservation of Land for parks, Playgrounds, School sites, or public sites.* Whenever a lot is to be created which contains all or in part a site for a park, playground, school or other public



use designated in an adopted public plan, and the area designated is in excess of the amount of land required to be dedicated in S. 2-2(d), the excess amount of land shall be reserved for public acquisition for a period of three (3) years from the date of approval of the final plat, unless extended by mutual agreement between the Agency and the sub divider.

- F) *Land Suitability.* No land shall be divided or subdivided for a use which is held unsuitable for the proposed use by the Agency for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, inadequate water supply or sewage disposal capabilities or any other condition likely to be harmful to the health, safety or welfare of the future residents or users of the area or of the community.
- 1) Except as provided herein, the Agency shall determine land suitability at the time the preliminary plat is considered for approval. The sub divider shall furnish such maps, data and information as may be necessary to make a determination of land suitability. In addition to the data required to be submitted with the preliminary plat, the sub divider shall be required to submit some or all of the following additional information for development located in an area where flooding or potential flooding may be a hazard:
    - a) Two (2) copies of an aerial photograph, or two (2) maps prepared by a registered land surveyor or engineer, which accurately locates the proposed development with respect to limits and elevations, and flood proofing measures taken or proposed to be taken.
    - b) Two (2) copies of a typical valley cross-s. showing the channel of the stream, the flood plain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information
    - c) Two (2) copies of a profile showing the slope of the bottom of the channel or flow line of the stream.
    - d) Such other data as may be required.
  - 2) When a proposed subdivision is located in an area where flooding or potential flooding may be a hazard, the Agency shall transmit to the Division of Water Regulation and Zoning, Wisconsin Department of Natural Resources, one (1) set of the information required and shall request that agency to provide technical assistance in determining whether the land is suitable or unsuitable for the use and development proposed, or whether certain modification, limitations, improvements, or other conditions of the development can overcome the land suitability.
  - 3) In applying the provisions of this s., the Agency shall, in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable for the intended use or development and afford the sub divider an opportunity to present evidence and the means of overcoming such unsuitability, if he so desires. Thereafter, the Agency may affirm, modify or withdraw its determination of unsuitability.

- 4) Where a proposed sub-division is located wholly or partly in an area where flooding or potential flooding may be a hazard, the Agency shall apply the following standards in addition to all other requirements in the approval of plats and certified survey maps.
  - a) The development shall be in accordance with flood plain management standards of the Division of Water Regulation and Zoning, Wisconsin Department of Natural Resources.
  - b) Building sites must be filled to a height and area sufficient to provide protection from the regional flood as defined by and according to the standards of said Division of Water Regulation and Zoning.
  - c) Development shall be carried out or assured as to not have an adverse effect on flood flows or storage capacity standards of said Division of Water Regulation and Zoning.
- 5) Unless specifically exempted from this requirement elsewhere in this ordinance, all subdivision proposals where private water and/or sewage disposal systems are to be used shall be accompanied by certifications and/or reports describing the soil conditions existing on the site as applicable to on-site waste disposal. A soils report shall accompany all subdivision proposals.
- 6) The sub divider may, as a part of the pre-application procedures, request a determination of land suitability, providing that he shall provide all necessary maps, data and information for such a determination to be made.

**Sec. 2-3 Procedure.**

A) *Pre-Application Procedure.* Prior to filling an application for approval of a certified survey or subdivision plat, the sub divider and/or his agent shall consult with the Agency for advice and assistance for the purpose of reviewing the procedures and requirements of this ordinance and other ordinances, and any plans or data which may affect the proposed development. As part of this consultation, the sub divider shall submit a sketch of sufficient scale and reasonable accuracy indicating the following information:

- 1) The boundaries of the property being considered for sale,
- 2) Uses of land adjacent to the proposed subdivision and current owners of such land; proposed roads, easements, public access to navigable water, dedications, community facilities, and utilities,
- 3) General lot layout showing proposed lot widths and depths,

- 4) General soil conditions, seasonally wet areas, rock outcrops and areas with slopes over 12 percent,
- 5) Proposed filling, grading, lagooning, dredging,
- 6) Delineation of any areas periodically flooded, shorelines and high water lines,
- 7) A description of all property owned or controlled by the sub divider contiguous to the proposed plat even though only a part of the area is proposed for immediate development.

At this review, or within twenty (20) days thereafter, the sub divider will be informed of any additions, changes or corrections to his proposed plat necessary to expedite the Preliminary Plat procedures.

*B) Preliminary Plat Procedure*

- 1) A preliminary plat shall be required for all subdivisions, unless it is a subdivision with less than ten (10) lots in which case only the final plat will be required. No final plat shall be approved prior to the approval of the required preliminary plat. The application for approval of a preliminary plat shall include all data required by this ordinance accompanied by one (1) reproducible and five (5) copies of the proposed preliminary plat.
- 2) The Agency shall forward copies of each preliminary plat submitted to all units of general purpose local government within the extraterritorial plat approval jurisdiction, if appropriate. The Agency shall approve, approve conditionally or reject the preliminary plat within forty (40) days, based on its determination of conformance with the provisions of this ordinance. Failure of the Agency to act within forty (40) days shall constitute approval.

*C) Final Plat Approval*

- 1) Provided that all preliminary procedures have been completed, the subdivider may submit one (1) reproducible and ten (10) copies of the final plat within six (6) months of the last required approval of the preliminary plat.
- 2) The agency shall approve the final plat of the subdivision within sixty (60) days shall constitute approval.

**Sec. 2-4 Data Submission Requirements.**

*A) Preliminary Plat.* The preliminary plat shall be based upon a survey by a registered land surveyor or engineer and shall be drawn to scale of one hundred (100) feet to one (1) inch, and shall show correctly on its face:

- 1) Date, graphic scale and north point.
- 2) Name of the proposed subdivision.
- 3) Name, address and telephone number of the landowner, sub divider and person to be contacted regarding the plat.
- 4) Location of the proposed subdivision by legal description and indication on town map.
- 5) A scaled drawing of the exterior boundaries of the proposed subdivision of the proposed sub division referenced to a corner established in the U.S. Public Land Survey, and the total acreage encompassed thereby.
- 6) Location and names of adjacent subdivisions, parks and cemeteries.
- 7) Location, dimensions and names of all existing easements and rights-of-way and within or adjacent to the proposed subdivision.
- 8) Location, dimensions and names of all proposed streets, rights-of-way and easements within or adjacent to the proposed subdivision.
- 9) Location of existing property lines, buildings, drives, rock outcrops, wooded areas, and other similar significant features within the parcel being subdivided.
- 10) Location and approximate high water elevations of all streams and water courses, lakes, marshes and flowages within one thousand (1,000) feet of the proposed subdivision.
- 11) Delineation of flood plain and zoning boundaries within and adjacent to the proposed subdivision.
- 12) Any area which contains a slope greater than ten percent (10%) shall be designated.
- 13) On-site sewage disposal suitability, including soil suitability, depth to ground water and bedrock, and slope for each lot.
- 14) Source and availability of potable water supplies.
- 15) Location and approximate dimensions of any sites to be reserved for or dedicated to the public.
- 16) Approximate dimensions of all lots, and proposed lot and block numbers.
- 17) A draft of any proposed covenants or deed restrictions.

B) *Final Plat.* The final plat of the proposed subdivision shall comply with the requirements of Chapter 236 of the Wis. Stats., and the provisions of this ordinance.

**Sec. 2-5 Design Standards.**

A) *Streets.*

- 1) The arrangement, character, extent, width, grade, location and construction of all streets shall conform to the standards of the Town of Dodgeville, and the provisions of this ordinance.
- 2) The arrangement of streets in a subdivision shall provide, where possible, for the continuation on appropriate projection of existing or proposed collector and arterial streets.
- 3) Local streets shall be laid out so as to discourage their use for through traffic.
- 4) Where a subdivision abuts or contains an existing or proposed arterial street, the Agency may require marginal access streets, reverse frontage lots with screen plating contained in a non-access reservation along the rear of the property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- 5) Cul-de-sacs shall provide a turn-around with a minimum right-of-way radius of sixty (60) feet. The traveled way within the cul-de-sac shall provide minimum radius of forty (40) feet.
- 6) Dead-end streets shall not be permitted without a suitable turn-around.
- 7) Street names.
  - (a) The Agency may disapprove of the name of any street shown on the plat which has already been used elsewhere in Iowa County, or which, because of similarity, may cause confusion.
  - (b) Where a street maintains the same general direction, except for curvilinear changes for short distances, the same name shall continue for the entire length of the street.
  - (c) Approval of street names on a preliminary plat will not reserve street names, nor shall it be mandatory for the Agency to accept it at the time of final platting.

B) *Fences.* Prior to the approval of any final plat, all sub dividers shall build a legal fence as defined in s. 90.02 of the Wis. Stats., completely surrounding the boundary of the plat except for any part with borders an existing street or highway. The fence shall be maintained as specified in s. 90.05 of the Wis. Stats.

- C) *Buffer Areas.* A buffer strip shall be required, set aside and maintained for all areas where development which may conflict visually or otherwise with an adjacent use, existing or proposed.
- D) *Utility Easements.*
- 1) Easements across lots or along rear or side lot lines shall be provided for utilities where necessary and shall be at least six (6) feet wide on each side of lot lines, and shall be designated as "Utility Easement" on the plat or certified survey map.
  - 2) Prior to approval of any final plat, the sub divider shall provide the Agency with written statements for the utility companies which will serve the proposed subdivision. The statements shall address the adequacy and location of all utility easements.
- E) *Storm Drainage.* Storm drainage facilities, where needed, shall be designed to permit the unimpeded flow of natural watercourses; insure positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreline erosion and siltation of surface waters and preventing excess runoff on adjacent property. The Agency may require that easement or drainage ways of widths sufficient to accommodate anticipated storm water-runoff be provided.
- F) *Survey monuments.* The sub divider shall install survey monuments in accordance with the requirements of s. 236.15, Wis. Stats.
- G) *Water and Sewage Disposal Facilities.* Public water supplies and sewage disposal services shall be utilized whenever possible. The sub divider shall assure the suitability and availability of private water and sewage disposal facilities on all lots that are not served by public services at the time of the sub division. Private water and sewage disposal facilities shall comply with all applicable state statutes and Iowa County ordinances.
- H) *Erosion Control.* The sub divider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The Agency may request the sub divider to submit an erosion control plat that specifies measures that will be taken to assure the minimization of erosion problems. The erosion control plan shall be reviewed by the Soil and Water conservation District to determine the adequacy of the proposed measures. The guidelines, standard and specifications contained within "Minimizing Erosion in Urbanizing Areas" by the U.S. Department of Agriculture, Soil Conservation Service, will provide a framework for the development, review and implementation of the erosion control plan.
- I) *Installation of Improvements.* The improvement specified herein shall be installed and approval of the final plat shall be given only after work has been completed, or one of the following has been filed, with the Town of Dodgeville or with Iowa County.

- 1) A duly completed and executed, continuing surety bond in an amount sufficient to complete the work within one (1) year from the date of recording of the final plat or later if specified, with surety satisfaction to the appropriate governmental agency.
- 2) A certified check, in the amount sufficient to complete the work, drawn on a local bank and available to the appropriate governmental jurisdiction. As the work progresses, the governmental jurisdiction may permit the exchange of said check for another check of sufficient amount to complete the remaining improvements agreed upon. If the improvements are not completed within one (1) year from the date of recording of the final plat or later if specified, the governmental agency may use the certified check to complete the remaining work.
- 3) An irrevocable letter of credit from a bank making funds available to the appropriate governmental jurisdiction. As the work progresses, the governmental jurisdiction may permit the exchange of said letter of credit for another of sufficient amount to complete the remaining improvements agreed upon. If the improvements are not completed within one (1) year from the date of recording of the final plat or later if specified, the governmental agency may use the funds guaranteed by the letter of credit to complete the remaining work.

**SEC. 2-6 Variance and fees.**

- A) *Variances.* Where the Agency finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done; provided that public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of the regulations.
- B) *Fees.* The sub divider shall pay such fees as shall be periodically established by the Town Board of the Town of Dodgeville.
- C) *Violations and Penalties.* Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be subject to penalties and forfeitures as provided in S.s 236.30, 236.31, 236.32, 236.335 and 236.35 of the Wis. Stats.

## Chapter 3

### CITATION

#### **Sec. 3-1 Authorization for Use of Citation**

The Town of Dodgeville, by this ordinance and pursuant to s. 66.0113, Wis. Stats., hereby elects to use the citation method of enforcement of Town Ordinances described herein, including ordinances, which a statutory counterpart exists.

#### **Sec. 3-2 Officials Authorized to Issue Citations.**

Citations authorized in Sec. 3-1 above may be issued by law enforcement officer of the County Sheriffs Department and by the Town of Dodgeville Chairperson. The Chairperson may delegate authority to another Town of Dodgeville employee with the approval of the Town Board.

#### **Sec. 3-3 Form of Citation.**

The citation issued by the Town of Dodgeville shall contain the following:

- A) The name and address of the alleged violator,
- B) The factual allegations describing the alleged violations,
- C) The time and place of the offense,
- D) The section of the ordinance violated,
- E) A designation of the offence in such manner as can readily be understood by a person making a reasonable effort to do so.
- F) The time at which the alleged violator may appear in court;
- G) A statement which in essence informs the violator:
  - 1) That a cash deposit based on the schedule established by this ordinance may be made which shall be delivered or mailed to the Iowa County Clerk of Circuit Court prior to the time of the scheduled court appearance.



- 2) That if a cash deposit is made, no appearance in court is necessary unless they are subsequently summoned.
  - 3) That if a cash deposit is made and the alleged violator does not appear in court, they will be deemed to have entered a plea of no contest, or if the court does not accept the plea of no contest, a summons will be issued commanding them to appear in court to answer the complaint.
  - 4) That if no cash deposit is made and that alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture, the fees imposed by S. 814.63, Wis. Stats., and the fee for automation imposed by S. 814.635, Wis. Stats..
- H) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Sec. 3-3(g) has been read. Such a statement shall be sent or brought with the cash deposit.
- I) Such other information as the Town of Dodgeville deems necessary.

**Sec. 3-4        Schedule of Cash Deposits and Costs.**

The schedule of cash deposits and costs for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Town Board, a copy of which is on file with the Town Clerk.

**Sec. 3-5        Receipt of Cash Deposits.**

Deposits shall be made in cash, money order or certified check to the Iowa County Clerk of Circuit Court who shall provide a receipt thereof.

**Sec. 3-6        Procedure.**

s. 66.0113, Wis. Stats., relating to violators options and procedures on default, is hereby adopted and incorporated by reference.

## Chapter 4

### **FIRE SAFETY**

#### **Sec. 4-1 Authorization for Fire Safety Permit.**

Every person, pursuant to s. 26.12, 26.13, 26.14, 60.55, 60.555 and 101.14, Wis. Stats., and this ordinance, in the Town of Dodgeville shall seek and obtain a fire safety permit from the Town unless exempt by this ordinance, for any fire to be ignited in the Town of Dodgeville. If the property is located outside the Cooperative Protection Area, south of STH 18, Permits will be issued through the Town office. If the property is located inside the Cooperative Protection Area (north of STH 18) the permit shall be issued through a State authorized Fire Warden. The permit shall be issued prior to any person igniting a fire in the Town of Dodgeville.

#### **Sec. 4-2 Application and Permit.**

The application and permit shall designate the area subject to the fire safety permit on a form to be designated by the Town Board of the Town of Dodgeville. All permits issued shall be valid for after 6:00 o'clock in the evening unless the Town Fire Warden has made an on-site inspection. Burn barrels shall be adequately protected by wire mesh and will require an annual permit as well.

#### **Sec. 4-3 Exemptions.**

The following are exempt from this permit requirement:

- A) Persons who burn materials in a stove, furnace or incinerator inside a building.
- B) Persons who burn charcoal or other combustible materials for domestic cooking outdoors.
- C) Persons who burn brush and other combustibles outdoors at any time during the months of June through December, and when there is snow on the ground during the months of January through May, unless a burn ban is declared.-

#### **Sec. 4-4 Fire Emergency Days.**

No permit shall be issued for any area upon days declared emergency fire days by the State Department of Natural Resources.

#### **Sec. 4-5 Violations and Penalties.**

Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall forfeit a sum of not less than \$25 nor more than \$200, together with the costs of prosecution, and, in case of nonpayment of such forfeitures, shall be imprisoned in the Iowa County Jail for a term of not more than 30 days or until such judgment is paid, and each day of violation shall constitute of separate offense.

## Chapter 5

### ADMINISTRATOR

#### **Sec. 5-1 Authority and Adoption.**

The Town Board of the Town of Dodgeville has the specific authority, powers and duties, pursuant to S. 60.37(1), Wis. Stats., to establish the position of the Town Administrator and to establish the qualifications, duties, powers, compensation and terms of employment of such position.

#### **Sec. 5-2 Appointment and Term of Service.**

The Town Board of the Town of Dodgeville establishes the term of employment for the Town Administrator to be at the pleasure of the Town Board. The Town Board, by a majority vote, may hire the Town Administrator to be at the pleasure of the Town Board. The Town Board, by a majority vote, may hire the Town Administrator and may, by a majority vote of the Town Board, suspend or discharge, at anytime, the Town Administrator. The Town Administrator may be terminated without cause, subject to any federal and state law or regulation and any local ordinance restriction suspension or discharge of an employee. The Town Board, by a majority vote, may, at anytime, dissolve the office of Town Administrator. By such dissolution, the Town Administrator is discharged from the office.

The Town Administrator may terminate his or her employment by written notice or termination, signed by the Town Administrator and provided to the Town Clerk. The appointment of the Town Administrator will terminate after the receipt of the written notice of termination by the Town Clerk.

#### **Sec. 5-3 Powers and Duties of the Town Administrator.**

A) *Duties.* The following powers and duties are customary for this position. These are not exclusive or all-inclusive. Other duties may be required and assigned.

- 1) *Budget Officer.* The Budget Officer, in cooperation with the Town Clerk/Treasurer and subject to the directives of the Town Board, shall:
  - a) Prepare the annual budget;
  - b) Make recommendations to improve the budget process;

- c) Administer the budget.
- 2) *Legislative Officer.* The Legislative Officer, shall:
- a) Keep informed and shall advise the Town Board of any federal, state, and local legislative and administrative developments including legislative and administrative proposals, laws and rules that may affect the Town of Dodgeville;
  - b) Facilitate compliance with State Statutes and implementation of Town Ordinances;
  - c) Facilitate and coordinate the permitting process and issuance of Driveway and Building permits in accordance with those ordinances.
- 3) *Town Board Meeting Office.* The Board Meeting Officer, in cooperation with the Town Clerk/Treasurer and subject to the directives of the Town Board, shall:
- a) Assist in the preparation of the agenda for all meetings of the Town Board of the Town of Dodgeville, however this authority does not bestow power of the Board Meeting Officer to limit or prevent items from being inserted on either agenda by the Town Chair;
  - b) Attend all meetings of the Town Board of the Town of Dodgeville and all Town meetings of the Town of Dodgeville.
- 4) *Purchasing Office.* The Purchasing Officer shall:
- a) Subject to competitive bidding and public contract laws, may purchase and may contract for buildings, materials, supplies, equipment, public work and public services for the Town of Dodgeville for budgeted items which have been approved by the Town Board and the Town of Dodgeville.
- 5) *Committee Office.* The Committee Officer shall:
- a) Serve as an ex-officio officer to every committee appointed by the Town Board of the Town of Dodgeville. As ex-officio officer the Committee Officer shall be timely apprised of all committee meetings and shall be allowed access to all Town records.
- 6) *Public Relations Office.* The Public Relations Officer shall:
- a) Be the principle public spokesperson for the Town of Dodgeville to the public and the media within his or her authority. The Town Board may at anytime delegate additional media public relations authority;
  - b) Be charged with the authority to keep the public and media fully informed about the general operations of the Town Board and the general operations of the Town of

Dodgeville, unless such information is deemed by the Town Board to be confidential and deemed to be kept closed from public view;

- c) Establish procedures for the Town of Dodgeville to disseminate public information related to the Town of Dodgeville to the public and shall establish procedures for the Town of Dodgeville to receive public information from the public, including complaints, grievances, ideas and recommendation forwarded to the Town Board. This procedure shall be established to expedite information to and receive from the public promptly and property and to and from the responsible policy and decision makers in the Town of Dodgeville;
- d) Coordinate the publication of the town newsletter and development and upkeep of a Town Web Page.

**7) *Town Office Administrator.*** The Town Office Administrator Shall:

- a) Staff office weekdays and serve as primary contact person;
- b) Shall Administer the Flex Health Plan;
- c) Process Diggers Hotline requests;
- d) Maintain computers, updates, and virus protection, file management;
- e) The Town Administrator shall refer to the Engineer and Legal Counsel when directed by Town Board;
- f) Coordinate and File annual state required reports as required (e.g. recycling, fcc, ust, roads inventory, sanitary water and sewer);
- g) Administer Sanitary District Business in cooperation with the Town Clerk/Treasurer;
- h) Grant application and administration

**8) *Town Planning Officer.*** The Town Planning Officer shall:

- a) Be the chief administrator of any specific policies and Town plans developed and maintained by the Town Board related to the following:
  - (1) Risk Management Policy and Plan
  - (2) Fiscal Policy and Plan
  - (3) Town Land Use Policy and Master Plan

- b) Attend, Clerk, and coordinate all Town Plan Commission hearings, meetings, and carry out related administrative duties in accordance with the Plan Commission Ordinance;
  - c) Attend, Clerk, and coordinate Town Comprehensive Planning hearings, meetings, and carry out related administrative duties;
  - d) Be the initial contact and project coordinator for the Boundary Agreement;
  - e) Be the initial contact and project coordinator for Sub-Division Developer Agreements.
- 9) Recycling Coordinator  
The Town Recycling Coordinator shall:
- a) Oversee the recycling program for the Town of Dodgeville.
  - b) Be responsible for establishing procedures to comply with all current or future regulations related to solid waste disposal and recycling.
  - c) Periodically review alternatives to disposal methods and shall investigate cooperative agreements with other municipalities.
  - d) Administer the annual State Department of Natural Resources Recycling grant.
- 10) Emergency Government Officer  
The Emergency Government Officer shall:
- a) Serve as the Town of Dodgeville Emergency Government Officer, pursuant to S. 166.03(4), Wis. Stats., with the duties and powers established in Chapter 166.

**Sec. 5-4 Cooperation With Other Town Officers.**

The Town Administrator shall cooperate fully with all elected and appointed officers of the Town of Dodgeville. The elected and appointed officers of the Town of Dodgeville shall fully cooperate with the Town Administrator. The Town Board and the Town of Dodgeville shall be the final determinate as to the powers and duties of the Town Administrator.

**Sec. 5-5 Compensation of the Town Administrator.**

The Town Board shall establish the compensation in salary and benefits of the Town Administrator through an annual review of the Town Administrator.

## Chapter 6

### DRIVEWAY

#### **Sec. 6-1 Purpose and Authorization.**

A) *Authorization.* This ordinance is adopted pursuant to S.s 60.555, 60.627, 144.266, Wis. Stats., and S. 6.3, Iowa County Zoning Ordinance.

B) *Purpose.* The purpose of this ordinance is to promote public health, safety and general welfare and to protect natural resources. The Town of Dodgeville does enact this ordinance to regulate the construction of driveways within the Town of Dodgeville to insure access to all properties by emergency vehicles and to regulate construction site erosion and storm water management.

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

D) *Permit fee.* The permit fee shall be established by resolution by the Town Board of the Town of Dodgeville.

E) *Effective date.* The provisions of this ordinance shall take effect immediately upon adoption.

#### **Sec. 6-2 Definitions.**

A) *Field Access Driveways.* Those driveways used on a seasonal basis expressly related to agriculture or driveways not accessing any structure, permanent or temporary.

B) *Structure.* Any building, well, well head, septic field or otherwise requiring a permit under the Iowa county zoning ordinance, or the Town of Dodgeville uniform dwelling ordinance.

C) *Un-necessary Hardship.* A condition proven by the owner that the owner has no reasonable use of the property.<sup>12</sup>

#### **Sec. 6-3 Exemptions.**

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<sup>1</sup> *State v. Kenosha County Board Of Adjustment*, 218 Wis.2d 396, 398, 577 N.W.2d 813(1998)

<sup>2</sup> *Guide for County Boards of Adjustment, 1<sup>st</sup> Addition*, Robert Horowitz, Wisconsin County Mutual Insurance Corporation, Monona, WI. 1999.

A) Lots platted in accordance with the Iowa County Zoning Ordinance and the Town of Dodgeville Subdivision Ordinance which are less than 20, 000 square feet are exempt from sec.6-5(k).

B) Field access driveways are exempt from s.s 6-1 (d), 6-5 (m).

#### **Sec. 6-4 Application and Permit.**

The application and permit shall designate the area over which the driveway shall be constructed and where access shall be required to a public highway on a form to be designated by the Town Board of the Town of Dodgeville. The form shall require a driveway plan showing specifications including grade, slope, width and length of the driveway and erosion control procedures. As part of the driveway permit, the applicant must receive and attach as part of driveway permit application, a statement from the Iowa County Zoning Office verifying compliance of the proposed driveway with any County ordinance. The permit shall be issued prior to any person beginning construction of a driveway within the Town of Dodgeville. All permits are valid for one-year after issuance with a one-year automatic extension if requested by the applicant. This request must be made in writing before the expiration of the original permit.

#### **Sec. 6-5 Applicability and Specifications.**

The following specifications and requirements shall apply to all new driveways proposed to be constructed to serve one or more structures and to all existing driveways, which currently serve open land but are proposed to be converted to a driveway serving one or more structures. Any change to an existing structure or construction of a new structure requiring a Wisconsin Uniform Building Permit shall be subject to this ordinance if said structure is accessed by an existing non-conforming driveway.

A) Driveways shall not be permitted to cross or cut in half productive agricultural croplands, except where aligned along existing lines, fences or appropriate natural features.

B) Driveways shall contain a minimum roadway base of 4 inches (4") of breaker rock and 4 inches (4") of gravel.

C) The maximum grade slope of any part of the driveway shall not exceed ten percent (10%) as required by Iowa County Ordinance. The town may require, at the applicants expense, verification of slope and a signed affidavit confirming slope compliance.

D) The minimum horizontal curve radius of any part of the driveway shall not be less than forty feet (40'), see Diagram #1.

E) Grading shall be required to fit the natural contours of the site. The alignment shall follow natural terrain and shall attempt to retain existing trees and other natural vegetation to stabilize hillside cuts. No lands with a slope of greater than forty-five percent (45%) shall be disturbed for a driveway installation. The Town may require, at the applicant's expense, verification of slope and a signed affidavits confirming slope compliance.



F) Each structure or parcel served requires a twelve foot (12') roadway width with a minimum 6'x25' pulloff lane for every three hundred feet (300') as required by Iowa County Ordinance, see Diagram #2.

G) Parcels served by a shared driveway may be required to construct an twenty foot (20') roadway width the entire length of the shared portion of the driveway. Factors the inspector will base this requirement may include, but are not limited to: traffic type, traffic density, number of users, safety issues, and soil types.

H) No driveway shall allow more than four users. All multiple user driveways must have a maintenance agreement between the landowner and each additional landowner served by the driveway. this agreement must be recorded with the Iowa County Register of Deeds.<sup>3</sup>

I) The portion of the driveway which abuts the public highway shall have a minimum width of twenty feet (20'), a maximum width of thirty feet (30') and a minimum of twenty feet (20') of length perpendicular to the public right of way. See Diagram #2.

J) A minimum width clearance of twenty four feet (24') and a minimum height clearance of eighteen feet (18') shall be required for all driveways constructed under this ordinance, as required by Iowa County Ordinance. This includes the minimum driveway width plus a two foot (2') shoulder on each side and a two foot (2') ditch for drainage. Tree and brush removal may be required to comply with width requirements.

K) The minimum spacing between driveways accessing a Town road shall be as follows except to serve lots platted in accordance with the procedures and requirements of the Iowa County Subdivision Ordinance:<sup>4</sup>

<u>Zoning District</u>	<u>Minimum spacing with public sewer &amp; water</u>	<u>Minimum spacing without public sewer &amp; water</u>
A-1	50 FEET	50 FEET
AR-1	100 FEET	100 FEET
R-1	70 FEET	100 FEET
R-2	110 FEET	110 FEET
R-3	70 FEET	100 FEET
H-1	100 FEET	100 FEET
AB-1	200 FEET	200 FEET
B-1	60 FEET	60 FEET
B-2	200 FEET	200 FEET
B-3	200 FEET	200 FEET
M-1	200 FEET	200 FEET

<sup>3</sup> Required in the Multiple Use provision of S. 6.3 Iowa County Zoning Ordinance

<sup>4</sup> Per Driveways in all Districts and Highway Classification-Minimum Spacing provisions of S. 6.3 Iowa County Zoning Ordinance.

L) The portion of driveway which crosses the public right-of-way of the highway shall slope away from the public highway at a minimum of one percent (1%) and a maximum of five percent (5%), as required by Iowa County Ordinance.

M) At the dead end of all driveways, a turn around with a minimum radius of twenty five feet (25') or shall be provided. as an alternate , a circle with a traveled way eighteen (18) feet wide with a horizontal curve radius of 20 feet measured to the edge of the traveled way nearest the center radius point or a "t" may be constructed with a minimum width of twelve (12) feet and a perpendicular length of twenty five (25) feet measured from the center of the driveway. See Diagram #3.

N) For all driveways accessing Town roads, culvert, ditch and bank specifications, location and depth shall be provided by the Town Board of the Town of Dodgeville and this information shall be made a part of the applicant's permit. For all driveways accessing County or State roads, a written access approval statement must be acquired from the appropriate highway authority and this statement shall be a part of the applicant's permit.

O) The Town Board reserves the right to require additional specifications for driveways which serve non-residential parcels.

#### **Sec. 6-6 Driveway Inspector.**

There is hereby created the position of Town Driveway Inspector, who shall administer and enforce this ordinance or a Town Board Member may serve in the inspector capacity. The inspector shall be knowledgeable of all aspects of this ordinance and possess an understanding of the aspects of driveway construction.

#### **Sec. 6-7 Approval Process.**

All driveway applications shall be filed in the office of the Town of Dodgeville Administrator or Clerk with the appropriate filing fee. The proposed location of the driveway shall be clearly marked with appropriate material and the nature of that marking shall be indicated on the application. For all accesses onto Town roads, the Town Driveway Inspector shall inspect the location of the driveway as indicated on the application, specifying the location and depth of required culvert(s) and ditch line with the road right-of-way, and if approved, a permit to construct a driveway shall be issued by the Town Clerk or Town Administrator. For all accesses onto County or State roads, a written statement from the appropriate highway authority shall be required approving the location of the driveway and a permit to construct a driveway shall be issued by the Town Administrator or Town Clerk.

If the driveway does not meet all the provisions of the permit at the time of the request for final approval, the Town Driveway Inspector may, upon request from the applicant, require bonds or similar devices to insure that construction conforms to the standards of the permit. A preliminary final permit can be issued at such time so County and Town building and zoning (but not occupancy) permits may be reviewed for approval. The Iowa County Zoning Office and the applicant will be notified of this approval. If the driveway is not completed within one (1) year

after the filing of the bonds or similar devices, the Town Board may use these funds to complete the remaining work.

After the driveway is constructed according to the requirements of the permit, the Town Office shall be notified. Within four (4) working days, the Town Driveway Inspector shall inspect the driveway for final approval. The Iowa County Zoning Office and the applicant will be notified of this approval. The signed permit releases the County to issue the zoning (building permit) and the aforementioned standards must be met in construction of the driveway. The certificate of compliance required to occupy and or use the structure shall not be issued by the County until a Town driveway approval is issued upon final inspection of the completed driveway.

**Sec. 6-8      Variances.**

Where the Town Board finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done; provided that public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of these regulations.

**Sec. 6-9      Appeals.**

Persons aggrieved by the decisions or determinations of the Town Driveway Inspector or Administrator may appeal the decision or determination to the Town following guidelines established in Chapter 68, Wis. Stats..

**Sec. 6-10      Fees.**

SUBDIVISIONS: If the proposed driveway is located in one of the following subdivisions the fee will be \$50: Greater Heights, Military Ridge, or North Ridge for up to two site inspections.

DRIVEWAYS 50 FEET OR LESS– The fee will be \$100 and includes up to three site inspections.

DRIVEWAYS GREATER THAN 50 FEET AND LESS THAN 300 FEET. – The fee will be \$175 and includes up to three inspections.

DRIVEWAYS GREATER THAN 300’ – The fee will be \$250 and includes up to three site inspections.

ADDITIONAL INSPECTIONS: If the number of site inspections exceeds the maximum number of inspections allowed, an additional fee of \$25 will be charged for each additional inspection.

**Sec. 6-11      Enforcement and Penalties.**

The enforcement of this ordinance shall be by means of withholding building permits, imposition of forfeitures and injunctive action. No permit for building shall be issued until the approval of the driveway has been received from the Town Clerk of the Town of Dodgeville, as notified by the Town Driveway Inspector. Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance.

As a condition of application, the applicant grants permission for access to the affected property by the Town Board or their designee for the purpose of making driveway inspections.

Any driveway over which this ordinance has jurisdiction which is not constructed according to the specification of this ordinance shall be considered a non conforming driveway. Emergency service and vehicles shall not be expected to utilize any non conforming driveway.

DIAGRAM 1: Horizontal Curve Radius

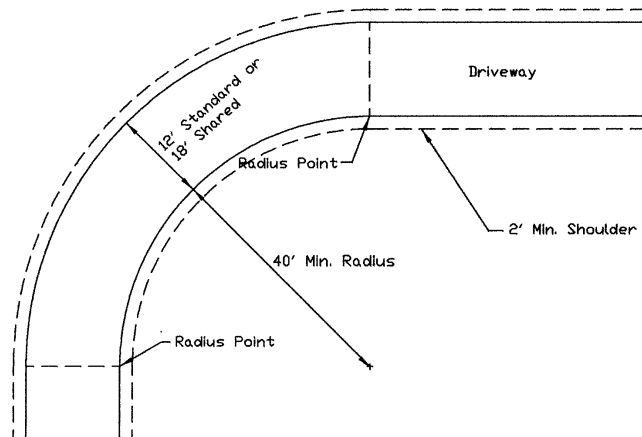


DIAGRAM 2: Driveway pull off and Abutting Public Highways

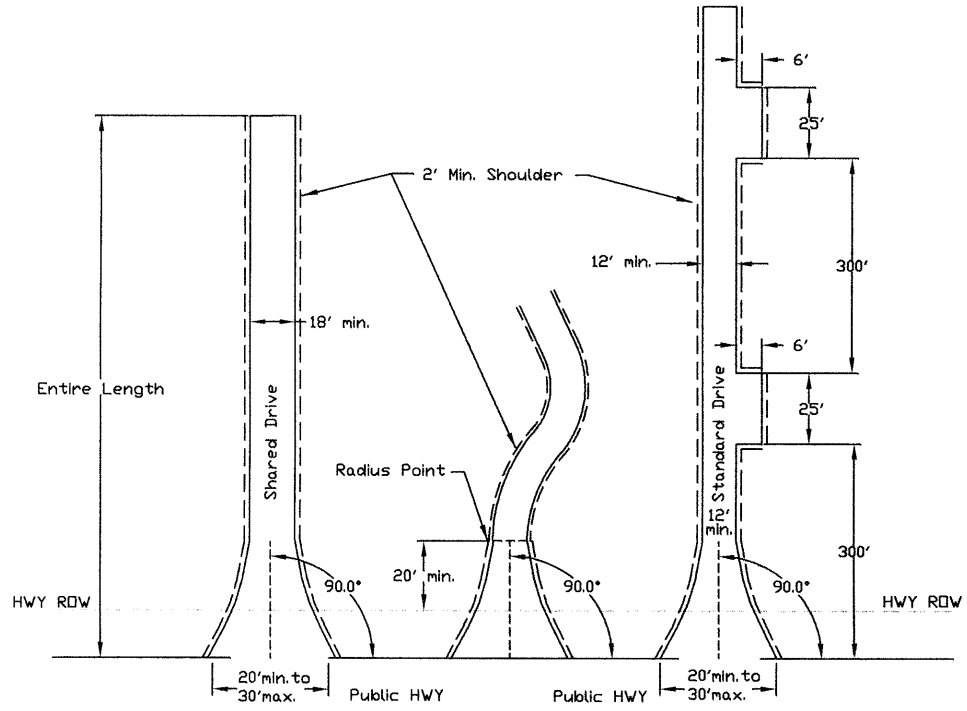


DIAGRAM #3: Minimum Driveway Turn Around Options

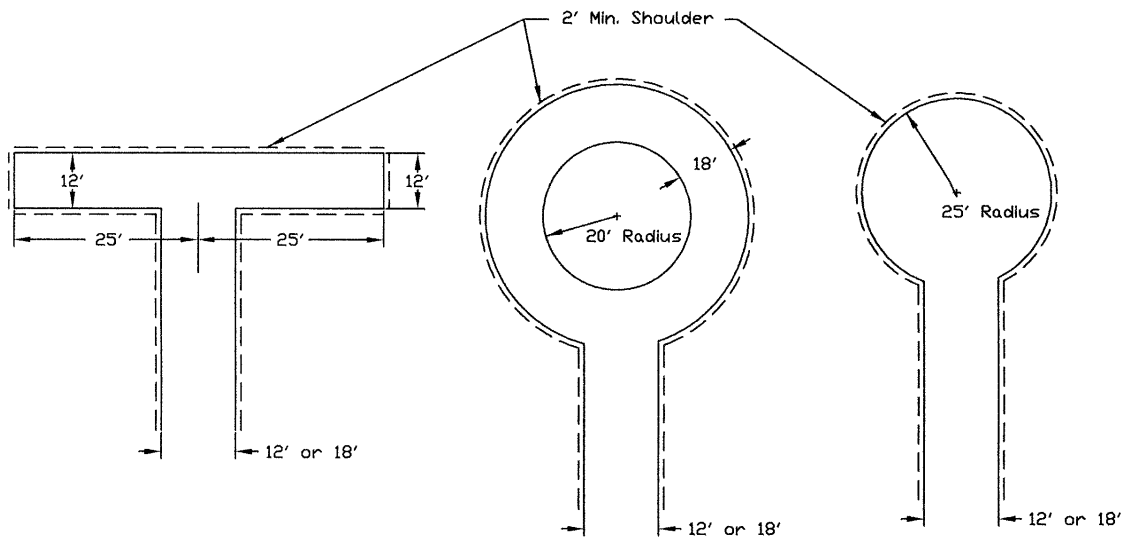
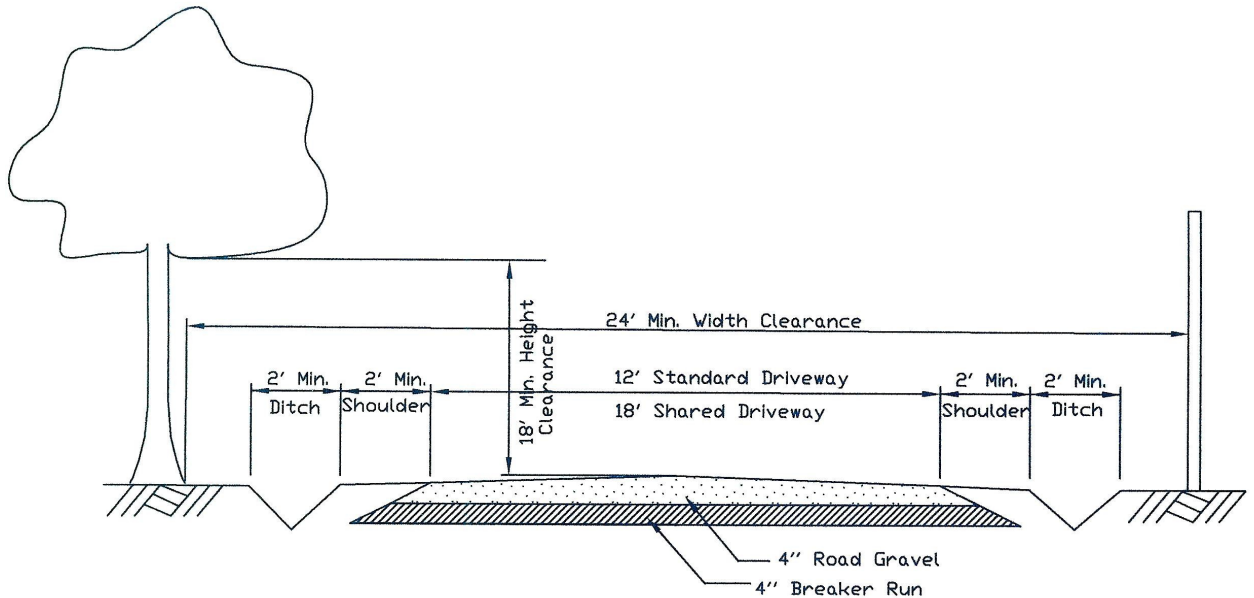


DIAGRAM #4: Typical Cross Section of a Driveway



## Chapter 7

### INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGE LICENSE

#### Sec. 7-1 Coverage.

Every person, pursuant to Wis. Stats. Ch. 125 and this ordinance of the Town of Dodgeville, who sells alcohol beverages with one-half of one percent (1/2 of 1%) of alcohol by volume or more and manufactures, wholesalers, retailers, and distributors of such beverages in the Town of Dodgeville shall seek and obtain the following applicable license from the Town of Dodgeville, namely:

- A) Class A Fermented Malt Beverage
- B) Class A Intoxication Liquor
- C) Class B Fermented Malt Beverage
- D) Class B Intoxication Liquor
- E) Operator's License
- F) Class B Picnic License

G) Provisional Retail License

H) Provisional Operator's License

The license or permit shall be from July 1 of one year to June 30 of the next year.

**Sec. 7-2 Application/License.**

A) The application and license shall designate the area in which the Town of Dodgeville where the alcohol beverage will be sold on forms provided by the State Department of Revenue.

B) All licenses issued shall be displayed by the licensee in an enclosed frame having a transparent front which allows the license to be clearly read. The license shall be conspicuously displayed in the room or place where the activity subject to the license is carried on.

C) No person shall be issued or re-issued any of the noted alcohol beverage licenses who has failed to properly and fully complete and submit to the Town Clerk of the Town of Dodgeville the application form as provided.

D) No person shall be issued or re-issued any of the noted alcohol beverage licenses until the appropriate fee has been paid to the Town Clerk of the Town of Dodgeville.

E) No person shall be issued or re-issued a Class A or Class B alcohol beverage license for any premise in the Town of Dodgeville until all delinquent taxes, assessments, and sanitary bills of the Town of Dodgeville for that premises are paid to the Town Treasurer.

F) No person may procure for, sell, dispense or give way alcohol beverages in the Town of Dodgeville to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age. No licensee may sell, vend, deal or traffic in alcohol beverage to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

G) A provisional License (Operator's or Retain) may be issued by the Town Clerk of the Town of Dodgeville in accordance with Wis. Stats. Ch.125.17 (5) or 125.185.

**Sec. 7-3 Operating Hours.**

Premises for which alcohol beverage licenses have been issued may remain open for the sale of such beverages only during the following hours:

Class A Fermented Malt Beverage: 8:00 a.m. until 11:00 p.m. daily

Class A Intoxications Liquor: 8:00 a.m. until 9:00 p.m. daily

Class B Fermented Malt Beverage and Class B Intoxication Liquor: 8:00 a.m. until 1:00 a.m. daily.

No person may sell fermented malt beverages or intoxication liquor on Class B premises in an original unopened package, container or bottle or for consumption away from the premises between midnight and 8:00 a.m.

**Sec. 7-4 License Fees.**

The following annual license fees have been adopted by the Town Board of the Town of Dodgeville and remain in effect until amended:

Class A Fermented Malt Beverage:	\$ 10.00
Class A Intoxicating Liquor:	\$490.00
Class B Fermented Malt Beverage:	\$ 75.00
Class B Intoxicating Liquor:	\$425.00
Operator's License:	\$ 5.00
Picnic License:	\$ 10.00
Provisional Retail License:	\$ 10.00
Provisional Operator's License:	\$ 5.00

Chapter 8

**CEMETARY**

**Sec. 8-1 Authority.**

The Town Board of the Town of Dodgeville has the specific statutory authority, powers and duties, pursuant to S. 157.50, Wis. Stats., to acquire by gift, purchase or condemnation of land for cemeteries within the boundaries of the Town of Dodgeville and to determine the system of management and operation of the cemetery, including appropriations for cemetery improvements.

**Sec. 8-2 Management and Operations.**

- A) The management and operation of the cemeteries known as the Rockwell Mills Cemetery, the Valley View Cemetery and the Garrison Grove Cemetery will be with the Town Board.
- B) The Town Board shall employ or retain persons to maintain the cemeteries. The Town Chair or his/her designee shall be the person primarily in charge of the daily cemetery operations.
- C) The Town Board shall have prepared an annual statement of transactions at a cemetery occurred including an accounting of receipts and expenditures. The money received from the



sale of lots at each Town cemetery shall be used by the Town Board for the care and improvement of the cemeteries and operation expenses.

D) The Town meeting may authorize the Town Board of the Town to appropriate up to five hundred dollars (\$500.00) in any year for the improvement of each Town cemetery, which is under the supervision of the Town Board.

E) The Town Board has the right, at any time, to terminate a perpetual fund and place the money in the general fund if the Town of Dodgeville owns the cemetery and provides all maintenance expenses in providing for gravesites in the cemetery at the time of termination of the fund.

**Sec. 8-3        Conveyances.**

The Town Chair and the Town Clerk of the Town of Dodgeville shall sign all conveyances for cemetery lots. The Town Clerk shall be responsible to maintain the cemetery books detailing the grantee, the consideration and the residence of the grantee. The Town board shall establish the proper charge for cemetery lot purchases.

**Sec. 8-4        Plat Approval.**

The Town Board shall by resolution approve, to its satisfaction, all cemetery plats or maps for burial lands in the Town cemeteries of the Town of Dodgeville.

**Sec. 8-5        Prohibition of Future Burials.**

Future burials in the Garrison Grove Cemetery and Valley View are prohibited, as there is no original plat to said Cemetery, which was transferred to the Town of Dodgeville to manage and care for October 1, 1965.

## Chapter 9

### **DOG LICENSE**

#### **Sec. 9-1 Purpose and Authorization.**

The purpose and intent of this ordinance is designed to protect and promote public health, safety, and general welfare of animals and the people around them by requiring that animals be cared for in such a manner that they will not become a public nuisance, and to ensure licensing and rabies vaccination of all dogs in the Town of Dodgeville.

#### **Sec. 9-2 Definitions.**

A) *Definitions.* For the purpose of this ordinance, the following definitions are utilized:

- 1) *"Owner"* means any person owning, harboring or keeping a dog and the occupant of any premises on which the dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog.
- 2) *"At Large"* means A dog which is off the premises of the owner and not under the control of some person either by leash or otherwise, but an animal within an

automobile of any other person with the consent of the dogs owner shall be deemed to be upon the owners premises.

- 3) "*Kennel*" means any establishment wherein dogs are kept for the purposes of breeding, sale or sporting purposes.
- 4) "*Vicious Dogs*." means any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, barking and/or snarling in a threatening manner, assaults and / or attacks without provocation, or is trained for the purpose of dog fighting.

### **Sec. 9-3          Application and License.**

A) *Dog license required.* It shall be unlawful for any person in the Town of Dodgeville to own, harbor or keep any dog more than five months of age without complying with the provisions of this s. and S.s 174.05 through 174.10 of the Wis. Stats..

B) *Rabies vaccination.* The owner of any dog more than five months of age shall have the dog vaccinated against rabies by a veterinarian as required by S. 95.21(2) of State Statutes. No dog license shall be issued until a certificate of rabies has been presented. A rabies tag shall be attached to the collar of all licensed dogs at all times, except as provided in S. 95.21 (2)(f) of the Wis. Stats.. The owner shall have the dog revaccinated against rabies by a veterinarian before the date of expiration of the immunization.

C) *Application.* The owner of any dog more than five (5) months of age shall annually, on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license. The application for a license shall include:

- 1) the name of the owner
- 2) the address of the owner
- 3) the name of the dog
- 4) the sex of the dog
- 5) the description of the dog

C) *Fees.* The following license tax is applicable within the Town of Dodgeville:

- 1) Neutered male or Spayed female dog: \$3
- 2) Male dog \$8
- 3) Female dog \$10

D) *License.* Upon payment of the required license tax and presentation of evidence of current rabies vaccination, the Clerk-Treasurer shall complete and issue to the owner a license for such dog containing all information required by S. 174.07(1) of the state statutes. The owner shall receive a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.

E) *Collar Tags.* The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, to a dog securely confined in a fenced area, or to a dog while actively involved in herding or controlling livestock if the dog is under the control of its owner.

F) *Late Fees.* The Clerk-Treasurer shall assess and collect a late fee of Five Dollars (\$5) from every owner of a dog five (5) months of age or older if the owner failed to obtain a license prior to April 1 of each year. Said late fee shall be charged in addition to the required license tax.

### **Sec. 9-3 Kennel License.**

Any person who keeps or operates a kennel may, instead of the license tax for each dog, apply for a kennel license for the keeping or operation of the kennel. Such person shall pay for the license year a license tax of Thirty-five Dollars (\$35) for a kennel of twelve (12) or fewer dogs and an additional Three Dollars (\$3) for each dog in excess of twelve (12). Kennels may only be located in areas zoned for residential purposes (AR-1, R-1, R-2, R-3) following a public hearing before the Town Plan Commission and approval by the Town Board. Unless clearly inapplicable, all the provisions of this ordinance relating to the individual dog license tax, licenses and tags shall apply to the kennel license and tags.

### **Sec. 9-4 Restrictions on Keeping Dogs.**

A) *Restrictions.* It shall be unlawful for any person in the Town of Dodgeville to own, harbor or keep any dog which:

- 1) Molests passersby or assaults or attacks any person without provocation or destroys property.
- 2) Kills, wounds, or worries any domestic animal
- 3) Is known to be infected by rabies
- 4) Habitually pursues any vehicles upon any public highway, street, road or alley
- 5) Habitually barks or howls to the annoyance of any person or person.
- 6) Urinates or defecates on public property or other private property.

- 7) VICIOUS DOGS. No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner.
- 8) DUTY TO REPORT ANIMAL BITE. Every person, including the owner or person harboring or keeping a dog who knows that such animal has bitten any person shall immediately report such a fact to the local law enforcement agency.
- 9) DOGS RUNNING AT LARGE. No person shall allow any dog within his or her possession to run At Large within the Town of Dodgeville. -

**Sec. 9-5 Impoundment of Dogs.**

A) *Impoundment of Dogs.* Unrestrained animals and animals running at large shall be taken by Town representative or animal control officer and impounded in a temporary or permanent animal shelter and confined in a humane manner. Per annual agreement with the Iowa County Humane Society, the dog(s) will be taken to their facility in the Town of Dodgeville.

B) *Impound Fees.* An owner reclaiming an impound animal shall pay the impound fee and expenses to the pound master, or any other authorized agent, and comply with provisions of 375.02 and 375.03 prior to the release of the animal. If the owner does not pay fees, expenses, license and reclaim the animal within seven (7) days of being notified of the impoundment, the animal will be put up for adoption without further notification, at the owners expense. If the animal is adopted, the expenses and fees may be paid for by the new owner.

C) *Adoption and Euthanasia.* Any animal not reclaimed by its owner within seven (7) days becomes the property of the authorizing agent and may be placed for adoption or humanely euthanized.

D) *Town Not Liable for Impounding Dogs.* The Town and/or its animal control agency shall not be liable for the death of any dog which has been impounded or disposed of pursuant to this s.

**Sec. 9-6 Enforcement and Penalties.**

A) *Penalties.* The local law enforcement agency or authorized municipal official can issue citations for violations of this ordinance. The following penalties apply to the following violations of this ordinance:

- 1) FAILURE TO PROCURE OR ATTACH LICENCE TAGS. First offense \$25 and \$50 for subsequent violations plus associated court and administrative expenses.
- 2) FAILURE TO VACCINATE DOG AGAINST RABIES. First offense \$25 and \$50 for subsequent violations plus associated court and administrative expenses.
- 3) DOGS RUNNING AT LARGE. First offense \$25 and \$50 for subsequent violations plus associated court and administrative expenses.

- 4) OWNERS LIABILITY FOR DAMAGE CAUSED BY DOGS. The provisions of S. 174.02 of Wis. Stats. of owner's liability for damage caused by dogs are hereby adopted.

## Chapter 10

### **BUILDING PERMIT**

#### **Sec. 10-1 Authority.**

These regulations are adopted under the authority granted by s. 101.65, Wis. Statutes.

#### **Sec. 10-2 Purpose.**

The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

#### **Sec. 10-3 Scope.**

A) The scope of this ordinance includes the construction and inspection of one- and two- family dwellings built after the effective date of this ordinance and the installation of manufactured buildings for dwellings installed after the effective date of this ordinance.

B) Notwithstanding s. Comm/ILHR 20.05, the scope also includes **construction and inspection of new alterations and additions to one- and two- family dwellings built before June 1, 1980**. Because such projects are not under state jurisdiction, petitions for variance and final appeals under s. Comm.ILHR 20.19 and 20.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per s. ILHR 20.19 (intro) so that equivalency is maintained to the intent of the rule being petitioned. As the Board of Appeals approves Petitions for Variance, the Chief Inspector is granted the power to apply the results to similar circumstances by precedent.

**Sec. 10-4 Wisconsin Uniform Dwelling Code Adopted.**

The Wisconsin Uniform Dwelling Code, Chapters Comm/ILHR 20-25 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

**Sec. 10-5 Building Inspector.**

There is hereby created the position of Town Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety and Buildings, as specified by s. 101.66(2) Wis. Statutes in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC-HVAC, UDC-Electrical and UDC-Plumbing.

**Sec. 10-6 Building Permit Required.**

No person shall alter, in excess of \$30,000 value in any twelve month period, build, add on to or alter any building within the scope of this ordinance without first obtaining a building permit for such work from the Town Office. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installing to its previous code-complaint condition as determined by the building inspector is exempted from permit requirements. Re-siding, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements.

**Sec. 10-7 Building Permit Fee.**

A) *Fees.* Building permit fees shall be as follows:

\$500	<	5000 square feet of living space
\$900	>=	5000 square feet of living space

B) *Calculation of fees.* Areas included for fees shall include all floor levels, basement, attached garages, porches, and all spaces enclosed under roof. The Town Building Inspector will be responsible for determining square footage for permit.

**Sec. 10-8 Penalties.**

The enforcement of this s. and all other laws and ordinances relating to building shall be by means of withholding building permits, imposition of forfeitures and injunctive action. Forfeitures shall not be less than twenty five dollars (\$25) or more than one thousand dollars (\$1000) for each day of non-compliance.

Chapter 11

**HIGHWAY SUPERINTENDENT**

**Sec. 11-1 Authority and Adoption.**

The Town Board of the Town of Dodgeville has the specific authority, powers and duties, pursuant to s. 81.01(1), Wis. Statutes, to establish the position of Town Highway Superintendent and to establish the qualifications, duties, powers, compensation and terms of employment of such position.

**Sec. 11-2 Appointment and Terms of Office.**

The Town Board shall have the care and supervision of all highways in the town, and if deemed advisable appoint a superintendent of highways. Appointment to the position, the term and compensation shall be by a resolution. Where no superintendent of highways is appointed, it shall be the duty of the town board to perform all the duties that are prescribed by law for the superintendent of highways to perform.

**Sec. 11-3 Powers and Duties of the Town Highway Superintendent.**



A) *State Powers*. The Town of Dodgeville Highway Superintendent shall have the following powers and duties established in s. 81.03, Wis. Statutes:

- 1) Supervise the construction of all highways,
- 2) Supervise the maintenance of all highways,
- 3) Fill or remove any depression, ditch, hump or embankment which impedes the use of any highway immediately upon notification of existence,
- 4) Make a full and complete report at each annual Town meeting.

B) *Town Powers*. The Town of Dodgeville Highway Superintendent shall have the following powers and duties as established by the Town Board:

- 1) Inspect all proposed driveway entrances for compliance with the Town of Dodgeville Driveway Ordinance Chapter 6,
- 2) Oversee day-to-day activities of the highway employees,
- 3) Approve highway employee requested vacation times,
- 4) Approve off-time callouts of highway employee requested vacation times,
- 5) Approve off-time callouts of highway employees for emergency situations,
- 6) Approve highway right-of-way clearance procedures.

**Sec. 11-4 Compensation.**

The Town Board of the Town of Dodgeville will establish compensation by resolution.

## Chapter 12

### ASSEMBLAGE PERMIT

#### **Sec. 12-1 Purpose and Authorization.**

Every person, pursuant to Sec. 66.052, 84.07(4), 349.17, 349.185 and 947.06 Wis. Stats., and this ordinance in the Town of Dodgeville who organizes a parade, a procession, mass assembly or major public event in the Town of Dodgeville, or who will use any public land, public recreational area, public highways, public facilities or public buildings for parade, processions, mass assembly, or major public event shall need and obtain a public assembly permit GRANTED from the Town of Dodgeville Town Board.

#### **SEC. 12-2 Application and Permit.**

A) *Fees.* The permit fee shall be established by the Town Board of the Town of Dodgeville at no less than \$25.00 or more than \$5000.00 dollars per day, subject to costs incurred by the town. The Town Board, may at anytime prior to issuance, increase to the maximum amount of the application fee if administration and investigative costs are likely to be greater then the minimum fee. The application fee shall be paid at time of application.

B) *Deadlines for Application.* The application and permit shall designate the type of event and the specific proposed assemblage premises to be used. The complete application shall be filed with the Town Clerk at least forty five (45) business days prior to the proposed commencement date. The permit may be amended with the Town Board approval if the permittee changes the proposed or permitted premises in the Town of Dodgeville. Moreover, the permit is not transferable from one person or organization to another.

C) *Application.* The application, in writing, shall include:

C) The name of the applicant

1) The address of the applicant

2) The residential and business telephone number of the applicant

3) The age of the applicant, only if the applicant is under the age of eighteen

4) Signature of the legal parent or guardian if the applicant is under the age of eighteen

5) Signature of the applicant

6) The date(s) and hours of operation for the requested permit

7) The specific purpose of the event or events and the location of the primary assembly location, including the ownership and legal description of the land if to be located on private land

8) The protections developed by the applicant to prevent any type of public nuisance environmental pollution or danger to public health and safety including security and public safety plans

9) The number of persons expected for the public assemblage and the estimated numbers of persons per acre to access the public assemblage location at any one time

10) The projected time and dates from commencement to termination of the public assemblage

11) The public highways or roads likely to be utilized to access the public assemblage location

12) The public lands and public buildings to be utilized for the public assemblage

13) Any public health, public safety and public security concerns of the applicant

14) Any liability or other insurance to be obtained for the event by the applicant

15) The financial security to be provided by the applicant, the Town for likely costs and expenses to be incurred by the Town.

**Sec. 12-3 Exemptions.**

A) *Exemptions.* The following are exempt from the requirements of this permit:

- A) Funeral processions on public highways in the Town of Dodgeville
- B) Single day social gatherings controlled and supervised by an adult landowner or resident in the Town of Dodgeville with the gathering for relatives, friends and invitees on land owned or occupied by the Town resident or Town landowner if the total number of persons are not to exceed two hundred fifty (250) people at any one time and if no motor vehicles for this event are to be parked on the roadway or right of way of any public highway in the Town of Dodgeville.
- C) Events sponsored or co-sponsored by the Town of Dodgeville, approved by the Town Board and supervised by the Town Board or its designee.
- D) Any single day or two day event of an auction, as defined in s480.01 Wis. Stats. or its successor provision, held by an auctioneer, as defined in s480.01 Wis. Stats. or its successor provision for and on land owned or occupied by a Town resident or landowner for an auction purpose only and if no motor vehicles for this event are to be parked on the roadway or right of way of any public highway in the Town of Dodgeville.
- E) Any public assemblage single day event held by or sponsored by a church located on land owned or leased by the church in the Town of Dodgeville where the event is supervised by a member of the clergy, as defined in s765.002 Wis. Stats. or its successor provision, for the church under his or her ministry, as defined in s765.002 Wis. Stats. or its successor provision, and if no motor vehicles for this event are to be parked on the roadway or right of way of any public highway in the Town of Dodgeville.
- F) Events where the Town Board determines, in writing after public hearing, that in the public interest a waiver from the daily permit requirement would be advisable for a specific event for persons in the Town.
- G) Events where the Town Board declares an emergency within the Town.

**Sec. 12-4 Permit.**

- A) The permit shall be granted by the Town Board only on a daily basis unless otherwise stated. The permit, if granted, shall be granted by the Town Clerk of the Town of Dodgeville at least five days prior to commencement date of the public assemblage in the Town of Dodgeville.
- B) The person subject of this ordinance shall comply with the Sec. 349.185 and 947.06 Wis. Stats. and this ordinance.

C) The Town Clerk of the Town of Dodgeville shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.

D) No person shall be issued or re-issued a public assemblage permit in the Town of Dodgeville who has failed to timely properly and fully complete and submit to the Town Clerk of the Town of Dodgeville the application form as developed and provided by the Town of Dodgeville.

E) No person shall be issued or re-issued a public assemblage permit in the Town of Dodgeville if the applicant or permittee fails to agree to comply with or fails in the following determined actions. In addition, the Town Board, after public hearing, may revoke the issued permit for failure by permittee to meet conditions in the permit established by the Town Board to protect public health and safety, prevent nuisances, protect the Town infrastructure and to protect the environment in the Town of Dodgeville or for failure by permittee in any of the following determined actions. Fails to allow and maintain physical access to the requested or permitted primary assemblage location by the Town Board or any designee or the Town Clerk for inspection purposes upon 1-hour notice to the applicant or permittee.

- 1) Fails to timely disband and withdraw persons from any unlawful assemblage as defined in Sec. 947.06 Wis. Stats. upon any written order to disperse by the Sheriff, the Town Constable or other appropriate law officer or the by the Town Clerk to the applicant or permittee declaring the immediate withdrawal by all persons, including the applicant or permittee.
- 2) Fails to timely disband and withdraw persons from any assemblage upon written order to disperse by the Sheriff, Town Constable or other appropriate law officer or by the Town Clerk to the applicant or permittee declaring the assemblage dangerous to the public health and safety of persons and property or that the assemblage is causing a public nuisance in the Town of Dodgeville and ordering immediate withdrawal by all persons, including the applicant or permittee
- 3) Fails to require and insure that participants in the assemblage follow the public highway route established in the permit as determined by the Town Board.
- 4) Fails to install, provide and maintain the necessary state sanitary permit(s) and to install and provide adequate sanitary facilities as determined by the Town Board.
- 5) Fails to install, provide and maintain adequate and safe entrances and exits to the established events including failing to provide and maintain adequate entries and exits to and from the primary assemblage locations as determined by the Town Board.
- 6) Fails to install, maintain and provide adequate security protections and personnel as determined by the Town Board.
- 7) Fails to install, provide and maintain necessary and adequate safe and structurally sound temporary structures at the assemblage as determined by the Town Board.

- 8) Fails to deposit and maintain with the Town Treasurer of the Town of Dodgeville a sufficient cash deposit or other proper financial security, as determined by the Town Board, for the purpose of saving the Town of Dodgeville harmless for any and all likely financial liability or likely financial costs to be incurred or damages obtained by the Town by virtue of the Town issuing the permit for the purpose of:
  - a) Paying for any Town of Dodgeville infrastructure damages, including roads curbs, sewer lines and water lines
  - b) Paying any charges or costs for electricity, water or sewer
  - c) Paying any charges or costs for police, fire and ambulance, security and other public safety and public health service charges
  - d) Paying any charges or costs for fire and safety inspections for the assemblage location
  - e) Paying any charges or costs for litter, septage, recyclable material and solid waste removal
- 9) Fails to install, provide and maintain at the assemblage location adequate first aid equipment and medical and health protection personnel as determined by the Town Board.
- 10) Fails to install, provide and maintain adequate security and fire safety equipment and personnel at the assemblage location as determined by the Town Board.
- 11) Fails to install, provide and maintain adequate crowd control systems, adequate space and security personnel, as determined by the Town Board, to control and prevent public nuisances, prevent environmental pollution, prevent danger to public health and safety and specifically preventing unreasonable overcrowding at the assemblage locations as determined by the Town Board. The Town Board will determine quantities at any one time and place dictating unreasonable overcrowding at the assemblage.
- 12) Fails to install, provide and maintain sufficient and qualified security personnel to prevent disorderly conduct, riots, fights or other unlawful disturbances at the assemblage location as determined by the Town Board.
- 13) Fails to provide and maintain adequate liability and other insurance at the assemblage locations as determined by the Town Board.
- 14) Fails to install provide and maintain adequate physical structures, equipment and security personnel as determined by the Town Board, to control and prevent trespassing and private and public nuisance on public and private lands adjacent to or near the assemblage location.

- 15) Fails to install, provide and maintain adequate physical structures, equipment and security personnel, as determined by the Town Board, to control and prevent public nuisances, prevent public and private damages and to protect the public health and safety to persons residing near the assembled locations, including but not limited to, public nuisances related to noise, dust odors, fires, explosions, water pollution, air pollution and erosion.
- 16) Fails to install, provide and maintain adequate supervisory staff to control and supervise the event and to respond to any emergencies associated with the assemblage as determined by the Town Board.
- 17) Fails to install, provide and maintain adequate vehicle parking facilities as determined by the Town Board, based on the projected assemblage figures submitted by the applicant of permittee.
- 18) Fails to install, provide and maintain adequate ramps and spaces usable and accessible for handicapped or disabled persons as determined by the Town Board.
- 19) Fails to comply, as determined by the Town Board, with any Town of Dodgeville Zoning or County Of Iowa Zoning Ordinances.
- 20) Fails to install, provide and maintain the proper operation dates, times and hours for the assemblage as determined by the Town Board.
- 21) Fails to install, provide and maintain adequate security plans and personnel to limit or negate illegal or criminal conduct at or near the assembly location, including but not limited to conduct related to illegal use of alcohol or drugs, illegal use of a motor vehicle, and illegal physical damage or injury to persons or property.
- 22) The use, activity, business or operation as proposed by the applicant in the application filed with the Town of Dodgeville and in the material attached to the application will likely be detrimental to the peace, health, safety and general welfare of the public in the Town of Dodgeville.
- 23) The use, activity, business or operation as proposed by the applicant in the application filed with the Town of Dodgeville and in the material attached to the application will likely cause a public nuisance in the Town of Dodgeville.

## Chapter 13

### PLAN COMMISSION

#### **Sec. 13-1 Purpose.**

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

#### **Sec. 13-2 Authority; Establishment.**

The Town Board of the Town of Dodgeville, having been authorized by the Town meeting under sec. 60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a seven (7) member Plan Commission under secs. 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the “Town Planning Agency” under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

#### **Sec. 13-3 Membership.**

The Plan Commission shall consist of seven (7) members composed of two (2) members of the Town Board and five (5) Citizens of the Town who shall be persons of recognized experience and qualifications.



**Sec. 13-4 Appointments and Terms.**

The five (5) citizen members shall be appointed by the Town Chairman, subject to the approval of the Town Board, upon the creation of the commission, each for periods ending 1, 2, and 3 years, respectively, from the succeeding first day of May, and thereafter annually during April two such members shall be appointed for a term of three years and shall not exceed two - three year terms. Citizen members shall be persons of recognized experience and qualifications. The Board members of the commission shall be appointed by the Town Chairman, subject to approval by the Town Board, upon the creation of the Commission, and during each April thereafter. The Board member shall serve only so long as he or she is a member of the Board. Whenever a vacancy shall occur in the term of any citizen or Board member, the Town Chairman shall appoint, subject to approval by the Town Board, a citizen or Board member to fill such un-expired term. The Town Chairman may remove any member with or without cause with approval of the Town Board. A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

**Sec. 13-5 Compensation and Expenses.**

The Town Board of the Town of Dodgeville hereby sets a per diem allowance of Twenty Five dollars (\$25) per meeting for citizen and Town Board members of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

**Sec. 13-6 Experts and Staff.**

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

**Sec. 13-7 Rules and Records.**

The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under secs. 19.21-19.39, Wis. Stats.

**Sec. 13-8 Chairperson and Officers.**

A) *Chairperson.* The Plan Commission Chairperson shall be appointed and serve a term as provided in s.s 13-3 and 13-4 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:

- 1) provide leadership to the Commission;

- 2) set Commission meeting and hearing dates;
- 3) provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
- 4) preside at Commission meetings and hearings; and
- 5) ensure that the laws are followed.

B) *Vice Chairperson*. The Plan Commission may elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

C) *Secretary*. The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

#### **Sec. 13-9 Commission Members as Local Public Officials.**

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wis. Stats. on: Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

#### **Sec. 13-10 General and Miscellaneous Powers.**

A) *Powers*. The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

- 1) Necessary to enable it to perform its functions and promote Town planning.
- 2) To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
- 3) To recommend to the Town Board programs for public improvements and the financing of such improvements.
- 4) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- 5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and

marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

**Sec. 13-11 Town Master Planning & Comprehensive Planning; General Authority & Requirements.**

A) The Plan Commission, under sec. 62.23(2), Wis. Stats., shall, except as provided in sub. (2) of this s., make and adopt the Town master plan, with accompanying maps, plats, charts and descriptive and explanatory matter, which shall include the nine (9) elements specified under the comprehensive planning law, sec. 66.1001(2), Wis. Stats.

B) In lieu of the adoption of a master plan under sub. (1) of this s., the Plan Commission may make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001(4), Wis. Stats.

C) Regardless of whether the Town has a master plan under sub. (1) of this s., or is developing one, the Plan Commission shall make and adopt a comprehensive plan under sub. (2) of this s. and the comprehensive planning law, sec. 66.1001, Wis. Stats., within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Town comprehensive plan is in effect by the date on which any Town program or action affecting land use must be consistent with the Town comprehensive plan under sec. 66.1001(3), Wis. Stats.

D) In this s. the requirement to “make” the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

**Sec. 13-12 Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment.**

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

- 1) *Public participation verification.* Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a

comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.

- 2) *Resolution.* The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under sec. 66.1001, Wis. Stats., namely that:
  - a) the Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;
  - b) the plan contains the nine (9) specified elements and meets the requirements of those elements;
  - c) the (specified) maps and (specified) other descriptive materials relate to the plan;
  - d) the plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
  - e) the Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in sec. 66.1001(4), Wis. Stats., and sub. (3) of this section.

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

- 1) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.
- 2) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.
- 3) The Wisconsin Land Council.
- 4) After September 1, 2003, the Department of Administration.
- 5) The regional planning commission in which the Town is located.
- 6) The public library that serves the area in which the Town is located.

**Sec. 13-13 Plan Implementation and Administration.**

A) *Ordinance development.* If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:

- 1) *Zoning.* A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis Stats., a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.
- 2) *Official map.* A proposed official map ordinance under sec. 62.23 (6), Wis. Stats.
- 3) *Subdivisions.* A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
- 4) *Other.* Any other ordinance specified by the Town Board (*Note:* e.g., historic preservation, design review, site plan review).

B) *Ordinance amendment.* The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

C) *Non-regulatory programs.* The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.

D) *Program administration.* The Plan Commission shall, pursuant to Town ordinances, have the following powers.

- 1) *Zoning conditional use permits.* The zoning administrator shall refer applications for zoning and conditional use permits to the Plan Commission for review and recommendation to the Town Board.
- 2) *Subdivision review.* Proposed plats under ch. 236, Wis. Stats, [and proposed subdivisions or other land divisions under the Town subdivision ordinance under sec. 236.45, Wis. Stats. shall be referred to the Plan Commission for review and recommendation to the Town Board.

E) *Consistency.* Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats, shall be consistent with that plan as of January 1, 2010. If any such Plan

Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

**Sec. 13-14 Referrals to the Plan Commission.**

A) *Required referrals under sec. 62.23(5), Wis. Stats.* The following shall be referred to the Plan Commission for report:

- 1) The location and architectural design of any public building.
- 2) The location of any statue or other memorial.
- 3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
  - a) street, alley or other public way;
  - b) park or playground;
  - c) airport;
  - d) area for parking vehicles; or
  - e) other memorial or public grounds.
- 4) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
- 5) All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
- 6) The location, character and extent or acquisition, leasing or sale of lands for:
  - a) public or semi-public housing;
  - b) slum clearance;
  - c) relief of congestion; or
  - d) vacation camps for children.
- 7) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning under village powers.

B) *Required referrals under s.s of the Wis. Stats. other than sec. 62.23(5), Wis. Stats.* The following shall be referred to the Plan Commission for report:

- 1) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
- 2) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
- 3) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.
- 4) Matters relating to the establishment or termination of an architectural conservancy district under sec 66.1007, Wis. Stats.
- 5) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
- 6) Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats.
- 7) A proposed housing project under sec. 66.1211(3), Wis. Stats.
- 8) Matters relating to urban redevelopment and renewal in the Town required to be referred under subch. XIII of ch. 66, Wis. Stats.
- 9) The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
- 10) Any other matter required by the Wis. Stats. to be referred to the Plan Commission.

C) *Required referrals under this ordinance.* In addition to referrals required by the Wis. Stats., the following matters shall be referred to the Plan Commission for report:

- 1) Any proposal, under sec. 59.69, Wis. Stats., for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.
- 2) Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.
- 3) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.

- 4) A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.
- 5) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.
- 6) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.
- 7) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
- 8) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.
- 9) A proposed town airport zoning ordinance under sec. 114.136(2), Wis. Stats.
- 10) A proposal to create environmental remediation tax incremental financing in the town under sec. 66.1106, Wis. Stats.
- 11) A proposed county agricultural preservation plan or amendment, under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
- 12) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.

D) *Discretionary referrals.* The Town Board, or other town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:

- 1) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
- 2) A proposed county zoning ordinance or amendment.
- 3) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.
- 4) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.



- 5) A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
- 6) A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
- 7) A proposed county plan, under sec. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
- 8) Any other matter deemed advisable for referral to the Plan Commission for report.

E) *Referral period.* No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30 ) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wis. Stats. may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town’s ordinances, but not required to be referred under the Wis. Stats., may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

Chapter 14

**REFUNDS OF TAX PAYMENTS IN EXCESS OF TAX BILL AMOUNTS**

**Sec. 14-1 Purpose and Intent.**

It is the declared intent of this ordinance that tax payments made in excess of the tax bill amounts shall be refunded pursuant to the procedures established under this ordinance within 15 business days of the payment. Further it is the declared intent that this policy shall be in full force and effect upon adoption by the Town of Dodgeville Town Board, with the purpose of complying with Sec. 74.03(2) Wis. Statutes (as adopted by 1997 Wis. Act 315).

**Sec. 14-2 Authority.**

This ordinance is adopted pursuant to the authority granted to town board under Sec. 60.44 (2) of Wis. Statutes to adopt an alternative claim procedure for approving financial claims against the town which are in the nature of bills and vouchers.

**Sec. 14-3 Required Procedures of the Treasure upon Payment in Excess Amount over Tax Bill Amount.**

Pursuant to Sec. 60.34 of Wis. Statutes upon receipt of tax payments in excess of the tax bill, the town Treasurer shall deposit as soon as practicable all payments in the name of the town in public depositories designated by the town board. Upon verification by the town treasurer that the payment as deposited has cleared and not been returned as insufficient funds, but no later

than 10 days after depositing, the treasurer shall notify the town clerk in writing; the name and mailing address of the taxpayer for whom a refund in excess of the tax bill amount is due, the amount the refund in excess of the tax bill, the date payment was received, and a statement that the payment as made has cleared and not been returned as insufficient funds.

**Sec. 14-4 Required Procedures of Clerk upon Notification of Treasurer of Excess Payment of Tax Bill Amount.**

A) *Voucher Procedure.* Upon written notification from the town treasurer that a taxpayer has made a tax payment in excess of the tax bill amount, the town clerk shall issue the normal voucher or authorization for payment of the refund of the excess amount over the tax bill amount upon finding the following:

1. Funds are available to pay the bill, assuming the tax payment has cleared and not been returned as is evidenced by the treasurer's notice.
2. The town board has authorized the refund of excess tax payments as established by the adoption of this ordinance.
3. The refund is due in the amount noticed by the town treasurer as a tax payment in excess of the amount of the tax bill.
4. The refund is a valid claim against the town, being a payment in excess of the tax bill amount.

B) *Board Reporting.* Further the town clerk shall prepare monthly, to be submitted to the town board at each monthly board meeting, a list of claims paid under this procedure, listing the amount of the claims, the date paid, the name of the taxpayer/claimant and that the payment was a refund for excess tax payment.

**Sec. 14-5 Issuance of Disbursement from Local Treasury.**

Upon approval of a voucher (or proper authorization) by the town clerk under the procedures listed in Sec. 4 or this ordinance, a refund check payable to the taxpayer/claimant named in the voucher or authorization and in the amount approved shall be written by the town clerk/treasurer and countersigned by the town chairperson, pursuant to Sec. 66.042 of Wis. Statutes shall be issued not later than 15 business days from the date the tax payment was received by the town treasurer as noticed by the town treasurer in Sec. 3 of this ordinance.

**Sec. 14-6 Mailing or Delivery of Refund Check to Taxpayer/Claimant.**

Upon issuance of the proper countersigned refund check, pursuant to the procedures in this ordinance, the refund check shall be delivered to the taxpayer/claimant or mailed to the last known mailing address of the taxpayer/claimant by the Town of Dodgeville, Clerk/Treasurer.

## Chapter 15

### **Five Person Town Board**

#### **Sec. 15-1 Purpose.**

It is the declared intent of this ordinance that the number of Town Board members on the Town Board, of the Town of Dodgeville be increased to 5 (five).

#### **Sec. 15-2 Authority.**

This ordinance is adopted pursuant to the authority granted the town board under Sec. 60.21 Wis. Statutes.

#### **Sec. 15-3 Procedures.**

A) The Town of Dodgeville shall elect 3 supervisors in odd-numbered years and 2 supervisors in even-numbered years. An increase in the number of town board supervisors under Sec. 60.21(1) does not create a vacancy on the town board.

B) The terms of the board supervisors will be staggered so that the chairperson and 2 supervisors receiving the highest number of votes in the next election serve 2 year terms and the other 2 supervisors serve one-year terms, with each subsequent election to be for two-year terms so that elections occur in both odd-numbered and even-numbered years.

C) This increase in the membership of the town board under Sec. 60.21(e) takes effect on January 1 of the first odd-numbered year following the most recent federal decennial or special census, but does not create any vacancy on the town board prior to the spring election.

Note: effective date of original ordinance January 1, 1999.

## Chapter 16

### **ASSIGNMENT OF TOWN ROAD NAMES**

#### **Sec. 16-1 Purpose and Authorization.**

These regulations are adopted under the authority granted by s. 81.01(11) Wis. Statutes, that states by ordinance, the town board shall assign a name to each of the roads in the town under town board jurisdiction.

#### **Sec. 16-2 Road Names Assigned.**

Annually, a Department of Transportation plat will be reviewed by the Town Board and Certified by the Town Chairman, thereby assigning road names. The Town of Dodgeville Board and will verify, add, or delete: assignment of road names, mileage of each road, and any municipal boundary changes.

Chapter 17

**EXEMPTION OF TAX BOND**

**Sec. 17-1 Purpose and Authorization.**

The Chairman and supervisors of the Town of Dodgeville hereby order: that the Treasurer of the town is exempted from giving the bond specified in s. 70.67 (2). That the town hereby obligates itself to pay (in case its treasure fails so to do) all state and county taxes which the treasurer is required to pay the county treasurer.

## Chapter 18

### GREATER HEIGHTS ZONING

#### **Sec. 18-1 Purpose and Authorization.**

- A) *Purpose and Intent.* The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Town of Dodgeville. It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage, prevent overcrowding, avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the town; and implement the Town of Dodgeville Master Plan. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.
- B) *Authority.* These regulations are adopted under authority granted by Sec. 66.0307(7m), 61.35, 62.23, Wis. Stats. 1999-2000, Town of Dodgeville Annual Meeting held April 9, 1996, and the City of Dodgeville/Town of Dodgeville Cooperative Boundary Plan approved by the Wisconsin Department of Administration on May 29<sup>th</sup>, 1998.

**Sec. 18-2 Applicability and Administration.**

- A) *Applicability.* The requirements of this ordinance apply to all persons within the Town of Dodgeville and City of Dodgeville Boundary agreement area, the Greater Heights Sub-Division.
- B) *Administration.* The provisions of this ordinance shall be administered by the Town Board or their designee.

**Sec. 18-3 Definitions.**

- A) *Definitions.* For the purposes of this ordinance, the following definitions are utilized:
  - 1) *"ABUTTING"* means having a common property line or district line.
  - 2) *"ACCESSORY BUILDING"* means A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. When an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard requirements of the main building shall be applied to the accessory building.
  - 3) *"APARTMENT"* means A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.
  - 4) *"APARTMENT HOUSE"* See DWELLING, MULTI-FAMILY.
  - 5) *"BASEMENT"* means A story, as defined in sub. (39) blow, partly underground which, if occupied for living purposes, shall be counted as a story for purposes of height measurement.
  - 6) *"BOARDING HOUSE"* means A building other than a hotel where lodging and meals are furnished for compensation for 3 or more persons not members of a family.
  - 7) *"BUILDING"* means any structure use, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by un-pierced walls extending from the ground up, each part shall be deemed a separate building.
  - 8) *"BUILDING, ALTERATION OF"* means any change or re-arrangement of the supporting members, such as bearing walls, beams, columns or girders of a building; an addition to a building; or movement of a building from one location to another.
  - 9) *"BUILDING, HEIGHT OF"* means the vertical distance from the average street level or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

- 10) "*CAMPING TRAILER*" means A nonself-propelled travel/recreational-type vehicle designed for temporary or vacation-type camping accommodations.
- 11) "*CERTIFICATE OF OCCUPANCY*" means A written statement issued by the Town Building Inspector or Town Administrator which permits the use of a building or lot or a portions of a building or lot and which certifies compliance with the provisions of this chapter for the specified use and occupancy.
- 12) "*DWELLING*" means
- a) One-Family. A detached building designed for or occupied exclusively by one family.
  - b) Multi-Family. A detached or semi-detached building designed for and occupied exclusively by two (2) families.
  - c) Multi-Family. A building or portion thereof designed for and occupied by more than 2 families, including tenement houses, row houses, apartment houses and apartment hotels.
- 13) "*DWELLING UNIT*" means A separate housekeeping unit, designed and used for occupancy by a single family.
- 14) "*FAMILY*" means any number of persons related by blood, adoption or marriage, or not to exceed 4 persons not so related, living together in one dwelling as a single housekeeping entity.
- 15) "*FLOOR AREA*" means
- a) For residential uses, the gross horizontal area of the floor of a dwelling unit, exclusive of porches, balconies, garages and basements, measured from the exterior faces of the exterior walls or from the center line of walls or partitions separating dwelling units.
  - b) For other than residential, the area measured from the exterior faces of the exterior walls or from the center line of walls or partitions separations such uses, including all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.
- 16) "*FRONTAGE*" means all the property abutting on one side of a street between 2 intersecting streets or all of the property abutting on one side of a street between and intersecting street and the dead end of a street.
- 17) "*GARAGE*" means
- a) Private. An accessory building or space for the storage only of not more than 2 motor-driven vehicles.
  - b) Public. Any building or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.
  - c) Storage. Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment,



- parts, fuel, grease or oil is sold. No commercial motor vehicle exceeding 2 tons capacity shall be stored in any storage garage.
- 18) *"HOME OCCUPATION"* means A gainful occupation conducted by members of the family only within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupations, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, that no sign other than one unlighted name plate not more than one foot square is installed and that no person other than a member of the immediate family living on the premises is employed. Outdoor storage of raw materials or finished products is not allowed.
- 19) *"HOTEL"* means A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
- 20) *"LODGING HOUSE"* means A building other than a hotel where lodging only is provided for compensation for not more than 3 persons not members of the family.
- 21) *"LOT"* means A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory building, together with the open spaces required by this chapter and abutting on a public street or officially approved place.
- 22) *"LOT, CORNER"* means A lot abutting on 2 or more dedicated and accepted streets at their inters.s, provided that the interior angle of such inters. is less than 135 degrees.
- 23) *"LOT DEPTH"* means the mean horizontal distance between the front and rear lot lines.
- 24) *"LOT, INTERIOR"* means A lot other than a corner lot.
- 25) *"LOT LINES"* means the lines bounding a lot as defined herein.
- 26) *"LOT, THROUGH"* means an interior lot having frontage on 2 non-intersecting streets.
- 27) *"LOT, ZONING"* means A single tract of land located within a single block, which at the time of filing for zoning permit, is designated by its owner or developer as a tract to be used, developed or build upon as a unit under single ownership or control.
- 28) *"MOBILE HOME"* means A nonself-propelled one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, whether or not the same is placed on a permanent foundation.
- 29) *"MOBILE HOME PARK"* means any lot on which 2 or more mobile homes are parked for the purpose of temporary or permanent habitation.
- 30) *"MOTEL"* means A series of attached, semi-detached or detached sleeping units for the accommodation of transient automobile tourists.

- 31) *"MOTOR HOME"* means A self-propelled travel/recreational-type vehicle designed for temporary or vacation-type camping accommodations.
- 32) *"NON CONFORMING USE"* means A building or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereto which use or occupancy does not conform to the regulations of this chapter or any amendments thereto.
- 33) *"PARKING FACILITY"* means A structure or an open area other than a street used for temporary parking of more than 6 self propelled vehicles and available for public use, whether free, for compensation or as an accommodation for clients or customers.
- 34) *"PARKING STALL"* means an off-street space, available for the parking of a motor vehicle and which, in this chapter, is held to be an area 9 feet wide and 18 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.
- 35) *"PROFESSIONAL OFFICE"* means the office of a doctor, practitioner, dentist, minister, architect, landscape architect; professional engineer, lawyer, author, musician or other recognized profession. When established in and R-1 District, a professional office shall be incidental to the residential occupation and not more than 25% of the floor area of only one story of a dwelling unit shall be occupied by such office.
- 36) *"SETBACK"* means the minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps.
- 37) *"SHOPPING CENTER"* means A group of stores, planned and designed for the site on which it is built, functioning as a unit with off-street parking provided on the property as in integral part of the unit.
- 38) *"STREET"* means all property dedicated for public street purposes.
- 39) *"STORY"* means that portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having  $\frac{1}{2}$  or more of its height above grade shall be deemed a story for purposes of height regulation.
- 40) *"STORY, HALF"* means the space under any roof except a flat roof which, if occupied for residential purposes, shall be counted as a full story.
- 41) *"STREET LINE"* means A dividing line between a lot, tract or parcel of land and an abutting street.
- 42) *"STRUCTURE"* means anything constructed or erected, the use of which requires a permanent location on the ground or attached to something heaving a permanent location on the ground.

- 43) *"STRUCURAL ALTERATIONS"* means any change in the supporting members of a building or any change in the roof structure or in the exterior walls.
- 44) *"TEMPORARY STORAGE"* means the placement of an item of personal property on property in the Town for a total of not more than 30 consecutive or non consecutive days in any one calendar year.
- 45) *"TEMPORARY STRUCTURE"* means A movable structure which does not require a permanent location on the ground and which is not attached to something having a permanent location on the ground.
- 46) *"USE"* means the use of a property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.
- 47) *"USE, ACCESSORY"* means A use subordinate in nature, extent or purpose to the principal use of a building or lot and which is also an approved use if so stated in this chapter.
- 48) *"USE, CONDITIONAL"* means A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. In each case, after due consideration by the Plan Commission of the impact of such use upon neighboring land and of the public need for the particular use at the particular location such conditional use may or may not be granted.
- 49) *"USE, PERMITTED"* means A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.
- 50) *"USE, PRINCIPAL"* means the main use of land or building as distinguished from a subordinate or accessory use. A principal use may be permitted or conditional.
- 51) *"UTILITIES"* means public and private facilities such as water wells, water and sewer pumping stations, water storage tanks, electric transmission towers, electric lines, electric transmitting substations, gas transmission regulation stations, telephone and telegraph exchanges, microwave relay structures, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.
- 52) *"VISION CLEARANCE"* means an unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connection points specified by measurement form the corner of each street line.
- 53) *"YARD"* means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except otherwise provided herein.
- a) Front Yard or Setback. A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

- b) Rear Yard. A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building excluding uncovered steps.
- c) Side Yard. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.

54) "ZONING DISTRICT" means an area or areas within the Town limits for which the regulation and requirements governing use, lot and bulk of building and premises are uniform.

55) "ZONING PERMIT" means A permit stating that the placement of and the purpose for which a building or land is to be used is the conformity with the uses permitted and all other requirements under this chapter for the zone in which it is to be located.

**Sec. 18-4 General Provisions.**

A) *Compliance.* No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable Town, County and State regulations.

B) *Use Restrictions.* The following use restrictions and regulations shall apply:

1) *Principal Uses.* Only those principal uses specified for a district, their essential services and the following shall be permitted in that district.

a) *Accessory Uses.* Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; servants, owners, itinerant agricultural laborers and watchman’s quarters not for rent; private swimming pools, and private emergency shelters.

b) *Unclassified or Unspecified Uses.* Unclassified or unspecified uses may be permitted by the Town Board after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.

c) *Temporary Uses.* Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Town Board.

2) *Performance Standards.* Performance standards listed in s. 18-15 of this chapter shall be compiled with by all uses in all districts.

C) *Yard Reduction or Joint Use.*

- 1) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
- 2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space for another building.
- 3) No lot in the Town which contains a building shall hereafter be reduced by any type of conveyance to an area less than would be required for the construction of such building on such lot.

D) *Lot Occupancy.* Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one main building on one lot.

E) *Yards Abutting District Boundaries.* Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the 2 districts which abut the district boundary line.

F) *Housing Projects.* When a housing project consisting of a group of 2 or more buildings is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout make it impractical to apply the requirements of this chapter to the individual building units, the Plan Commission may approve a development, provided it complies with the regulations of this chapter as applied to the whole plat.

G) *Motor Homes.* No motor home, mobile home or camping trailer shall be used for residential purposes unless located in a licensed mobile home park, except that County sheriff may permit the overnight parking of such vehicles in the Town in emergency situations.

H) *Vision Clearance.* No obstructions such as structures, parking or vegetation shall be permitted in any district between the height of 2 ½ and 10 feet about a plane through the mean roadway grades with the triangular space formed by any 2 existing or proposed intersecting street right of way lines and a line joining points on such lines, located a minimum of 15 feet from their inters.. Official signs and one utility pole or street light may be permitted within each segment of an inters. traffic visibility area.

I) *Performance Standards.* See sec. 18-15 of this chapter.

J) *Parking Restrictions.* See sec. 18-14 of this chapter.

K) *Application to Personal Property.* The various setback, side yard and rear yard requirements of the various districts and the certificate of occupancy requirements of Sec. 18-18 of this chapter shall apply to items of personal property, regardless of height, which occupy more

than 30% of the available unused area of the lot and parcel upon which such items shall be placed and such requirements shall apply to items of personal property, regardless of area, which exceed 12 feet in height above the ground level.

#### **SEC. 18-5 Height and Area Exceptions.**

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

- A) *Churches, Schools, Etc.*. Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet nor 5 stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- B) *Chimneys, Towers, Lofts, etc.* Chimneys, cooling towers, elevator bulkheads, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts or aerials and necessary mechanical appurtenances exceeding the height regulations of this chapter may be permitted as conditional uses by the Plan Commission.
- C) *Residences*. Residences in the residence districts may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by one foot for each foot which such building exceeds the height limits of the district in which it is located.
- D) *Street Yard Modifications*. The yard requirements stipulated elsewhere in this chapter may be modified as follows:
  - 1) *Uncovered Stair Restrictions*. Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed 6 feet and be not closer than 3 feet to any lot line, and must be 8 feet or more above ground.
  - 2) *Cul-de-sacs and Curve Restrictions*. Residential lot frontage on cul-de-sacs and curves may be less than 80 feet provided the width at the building setback line is at least 80 feet and the street frontage is not less than 45 feet.
  - 3) *Architectural Projection Restrictions*. Architectural projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed 2 feet.
  - 4) *Residential Fence Restrictions*. Residential fences are not permitted on the property lines in the residential districts, but shall not in any case exceed a height of 6 feet and shall not exceed a height of 4 feet in any street yard.
  - 5) *Security Fence Restrictions*. Security fences are permitted on the property lines in all districts, but shall not exceed 10 feet in height and shall be an open type similar to woven wire or wrought iron fencing.

- 6) Essential Fence Restrictions. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.
  - 7) Street Yard Restrictions. The required street yards may be decreased in any residential or business district to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in the residential districts and 5 feet in any business district.
- E) *Lots Abutting Different Grades.* Where a lot abuts on 2 or more streets having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
  - F) *Building on Through Lots.* The requirements for a rear yard for buildings on through lots and extending from street to street may be waived by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.
  - G) *Accessory Buildings.* Accessory buildings which are not part of the main building shall not occupy more than 30% of the area of the required rear yard, shall not be more than 15 feet high and shall not be nearer than 5 feet to any lot line and shall not extend into a front yard beyond the required setback.
  - H) *Obstructed Yards.* Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 2 feet.

**Sec. 18-6 Non-Conforming Uses, Structures and Lots.**

*A) Existing Non-Conforming Uses.*

- 1) Continuation. The lawful non-conforming use of a structure, land or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter, provided however:
  - a) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, so as to comply with the provisions of this chapter.
  - b) The total lifetime structural repairs or alterations shall not exceed 50% of the assessed value of the structure at the time of its becoming a non-conforming use unless it is permanently changed to conform to the use provisions of this chapter.
- 2) Abolishment or Replacement of Existing Non-Conforming Use. If such non conforming use is discontinued or terminated for a period of 12 months, any future use of the

structure, land or water shall conform to the provisions of this chapter. From the date of adoption of this chapter, a current file of all non-conforming uses shall be maintained by the Town Clerk or Administrator, listing the following:

- a) Owner's name and address.
- b) Use of the structure, land or water.
- c) Assessed value at the time of its becoming a non-conforming use.

**B) *Existing Non-Conforming Structures.*** Any lawful non-conforming structures existing at the time of the adoption of amendment of this chapter may be continues, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order as to comply with the provisions of this chapter.

**C) *Changes and Substitutions.*** Once a non-conforming use or structure has been changed to conform, it shall not revert back to non-conforming use or structure. Once the Town Board has permitted the substitution of a more restrictive non-conforming use and become subject to all conditions required by the Town Board.

**Sec. 18-7      Community Living Arrangements; Family Day Care Homes.**

**A) *State Laws Adopted.*** The provisions of §62.23(23(7)(i) and 66.304, Wis. Stats., 1999-2000, are hereby adopted by reference and shall supersede all permitted and conditional uses as stated in this chapter.

**Sec. 18-8      Zoning Districts.**

**A) *Established.*** For the purposes of this chapter, the portion of the Town covered by this chapter is hereby divided in to the following districts:

- 1) R-1    Single and Two family Residential District
- 2) R-M    Multi Family Residential District
- 3) B-H    General Highway Business District

**B) *Boundaries.*** Boundaries of these districts are hereby established as shown on a map entitled "Zoning Map, Town of Dodgeville, Wisconsin," dated October 1, 1997, which is on file in the office of the Town Clerk. Such boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets; or such lines extended, unless otherwise noted on the Zoning Map.

- 1) Vacation of public streets shall cause the land to automatically revert to the same district as the abutting side.



- 2) For the purposes of this s.s, buildings erected or structurally altered shall include buildings moved in or relocated.

C) *Zoning Map.* A certified copy of the Zoning map shall be adopted and approved with the text, as part of this chapter, and shall bear upon its face the attestation of the Town Board Chair and Clerk, and shall be available to all the public in the office of the Town Clerk. Changes thereafter to the districts shall be entered on this certified copy.

**Sec. 18-9 R-1 Single and Two Family Residential District.**

The R-1 District is established for low density developments of single and two family homes.

**A) Permitted Uses.**

- 1) One family and two family dwellings.
- 2) Attached or detached garage, 850 square feet and 15 feet in height maximum.
- 3) Garden and yard equipment shed, 200 square feet maximum.

**B) Conditional Uses.** See also Sec. 18-19 of this chapter.

- 1) Churches and similar places of worship and instruction, including parsonages.
- 2) Municipal buildings, except garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums.
- 3) Utility offices, provided there is no service garage or storage yard,
- 4) Public, parochial and private elementary and secondary schools.
- 5) Public parks, recreation areas, playgrounds and community centers.
- 6) Day care centers.

**C) Lot, Yard, and Building Requirements.** See also Sec. 18-4 of this chapter.

Lot frontage at setback	Minimum 80 ft.
Lot area	Minimum 8,000 Sq. ft.
Principal Building:	
Front Yard	Minimum 30 ft.
Side yards:	
Up to 1 ½ stories	Minimum total, 20 ft. Minimum side, 8 ft.
1 ½ to 2 ½ stories	Minimum total, 25 ft. Minimum side, 10 ft.
Rear yard	Minimum 25 ft.
Accessory buildings	
Front yard	Minimum 30 ft.
Side yards	Minimum 5 ft.
Rear yard	Minimum 5 ft.
Building Height	Maximum 35 ft.
Building Width	Minimum 24 ft.
Number of stories	Maximum 2 ½ stories
Off street parking	Minimum 2 spaces per unit

Parking space size

Minimum 9 ft. by 18 ft

**Sec. 18-10 R-M Multi-Family Residential District.**

The R-M District is established to protect certain areas of land, both developed and undeveloped, with peculiar characteristics, such as proximity to commercial developments or proximity to major streets, and because of a probable, continued demand for such dwelling accommodations which are well-designed, pleasant places in which to live.

**A) Permitted Uses.**

- 1) Uses permitted in the R-1 District.
- 2) Multi family dwellings containing not more than 3 dwelling units.

**B) Conditional Uses.** See also Sec. 18-19 of this chapter.

- 1) Churches and similar places of worship and instruction, including parsonages.
- 2) Municipal buildings, except garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums.
- 3) Utility offices provided there is no service or storage yard.
- 4) Public, parochial and private elementary and secondary schools.
- 5) Public parks, recreation areas, playgrounds and community centers.
- 6) Home occupations and professional offices.
- 7) Day care centers.

**C) Lot, Yard, and Building Requirements.** See also Sec. 18-4 of this chapter.

- 1) One and Two Family Dwellings. Same as for R-1 District.
- 2) Multi Family Dwellings.

Lot frontage at setback	Minimum 80 ft.
Lot area per unit	Minimum 4,000 sq. ft.
Principal building:	
Front yard	Minimum 30 ft.
Side yards:	
Up to 2 stories	Minimum side, 18 ft.
3 stories	Minimum side, 21 ft.
Rear yard	Minimum 25 ft.
Building height	Maximum 45 ft.
Number of stories	Maximum 3 stories
Off street parking	Minimum 1 ½ spaces per unit

**Sec. 18-11 B-H General Highway Business District.**

The B-H District is established to provide for the establishment of principally motor vehicle-oriented or dependent commercial activities in nonresidential settings. Lot dimensional requirements are established to provide for the orderly grouping of commercial uses and for adequate off-street parking.

**A) Permitted Uses.**

- 1) Automotive sales, servicing and repairs, including parts sales.
- 2) Antique shops.
- 3) Appliance stores.
- 4) Barber shops and beauty parlors.
- 5) Barbs and other financial institutions, including loan and finance companies, and drive-in banks.
- 6) Business offices.
- 7) Department stores and discount stores.
- 8) Drive-in establishments serving food or beverages
- 9) Drug stores and hardware stores.
- 10) Florist shops.
- 11) Laundromats.
- 12) Motels and hotels.
- 13) Parking facilities.
- 14) Pet shops.
- 15) Plumbing, electrical and heating shops.
- 16) Printing and related trades.
- 17) Professional offices.
- 18) Publishing, including newspaper publishing, job printing, lithographing, and blueprinting.
- 19) Recreational and entertainment establishments
- 20) Restaurants, cocktail lounges and taverns
- 21) Shopping centers and retail stores.
- 22) Supermarkets and grocery stores.
- 23) Tourist information and hospitality centers.
- 24) Utility company offices.
- 25) Veterinary clinics.

**B) Conditional Uses.**

- 1) Farm Machinery and equipment sales, repairs and storage.
- 2) Feed and seed stores
- 3) Gasoline and service stations, providing all gas pumps re not less than 30 feet from any existing or proposes street line.
- 4) Golf courses.
- 5) Lumber and contractors yards.
- 6) Manufacture of furniture, home supplies and appliances, instruments, jewelry, office supplies, sporting goods and toiletries.
- 7) Warehousing.

8) Wholesaling.

**C) *Lot, Yard, and Building Requirements.***

Lot frontage at setback	Minimum 100 ft.
Lot area	Minimum 20,000 Sq. ft.
Front yard	Minimum 50 ft.
Side yards	Minimum 20 ft.
Rear yard	Minimum 25 ft.
Building height	Maximum 35 ft.
Number of stories	Maximum 2 ½ stories

**D) *Off-Street Parking and Loading Requirements.*** See Sec. 18-21 of this chapter.

**Sec. 18-12 Conditional Uses.**

**A) *General Uses Applicable to one or more Districts.*** The following uses shall be conditional uses and may be permitted as specified:

- 1) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums and historical landmarks or restorations may be permitted in all residential and business districts.
- 2) Utilities in all districts, provided all principal structures and uses are not less than 50 feet from any residential lot line.
- 3) Cemeteries may be permitted in any district.
- 4) Skating rinks, sports fields, swimming pools and tennis courts may be permitted in any district.
- 5) Commercial recreational facilities such as bowling alleys, dance halls, driving ranges, gymnasiums, lodges, physical culture facilities, pool and billiard halls, roller rinks and outdoor theaters may be permitted in any business district.

**B) *Application.*** Applications for conditional use permits shall be made in duplicate to the Town Office on forms furnished by the Town Clerk and shall include the following.

- 1) Names and address of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.
- 2) Description of the subject site by lot, block and recorded sub-division, or by meets and bounds; address of the subject site; number of employees, in any; and the zoning district within which the subject site lies.
- 3) Plat plan showing all of the information required under Sec. 11-20 of this chapter for a zoning permit and, in addition, all proposed provisions for off-street parking and loading.

- 4) Additional information, as may be required by the Plan Commission or Town Board.
  - 5) The fee is \$50 and shall accompany such application.
- C) *Notice.* Notice of such application and the subsequent hearing thereon before the Plan Commission shall be published as a Class 1 notice.
- D) *Appearances at Hearings.* Either the applicant or his agent shall attend the public hearing of the Plan Commission at which such application is to be considered unless the Plan Commission has excused such attendance.
- E) *Review and Approval.* The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway location, highway access, traffic generation and circulation, drainage, sewerage and after systems and the proposed operation. The Plan Commission shall hold a hearing and thereafter shall recommend approval, denial or condition of approval to the Town Board. The Town Board shall accept, reject or modify the Plan Commission's recommendations.
- F) *Issuance of Permit.* If such permit is issued, the Town Board may attach conditions thereto such as, but not limited to, landscaping, architectural design, type of construction, construction commencement and completion dates, hours of operation, traffic circulation or parking requirements, highway access restrictions, or increased yards.
- G) *Temporary Permits.* Temporary conditional use permits may be issued on such conditions and for such length of time as the Town Board deems appropriate. Modifications or additional conditions may be imposed upon application for renewal and such permits shall create no vested or property rights in the applicant.
- H) *Uses Adjacent to Controlled Access Highways.* Any development within 500 feet of the existing or proposed right of way of any freeway, expressway or other controlled access traffic way, and within 1,500 feet of their existing or proposed interchange or turning lane right of way, shall be deemed to be a conditional use which shall require the issuance of a permit.

**Sec. 18-13 Erosion Control.**

- A) *Authority; Purpose.* This s. is adopted pursuant to §60.627, Wis. Stats., 1999-2000, for the purposes of minimizing the amount of sediment and other pollutants carried by runoff from sites of construction or other land disturbing activities as enumerated in sub. (3) below.
- B) *Erosion Control Permit.*
- 1) Required. No landowner, land user or contractor shall, within the portion of the Town covered by this chapter, commence any activity enumerated in sub. (3) below before obtaining an erosion control permit from the Town Office.

- 2) Application; fee. Application for a permit shall be made on an application form provided by the Town Clerk and shall be accompanied by an erosion control plan in accordance with sub.(4) below and a fee for \$10.
- 3) Grant or Denial of Permit. Within 5 working days after receipt of the application, the Town Building Inspector shall grant or deny the permit. If the permit is denied, the Building Inspector shall enumerate the required additions or modifications to the erosion control plan. Upon satisfactory revision of the plan, the permit shall be issued.
- 4) Exceptions. A permit shall not be required for the following:
  - a) Agriculture Land Use. The use of land planting, growing, cultivation and harvesting of crops and the pasturing or yarding of livestock.
  - b) State Projects. Any state funded or conducted activity, which requires an erosion control plan similar to the requirements of this s..

C) *Subject Land Disturbing Activities.* The land disturbing activities requiring a permit are as follows:

- 1) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 10,000 square feet or more.
- 2) Those involving excavation or filling, or a combination thereof, affecting 400 cubic yards or more dirt, and or other excavation or fill material.
- 3) Those involving street, highway, road or bridge construction or reconstruction.
- 4) Those involving the laying or repair of underground pipe for a distance of 300 feet or more.
- 5) (Where applicable) Site dewatering, which may create sediment control problems.

D) *Erosion Control Plan.*

- 1) General. Erosion control plan criteria, standards and specifications have been established by the Town Building Inspector and are on file in his office. In drafting the plan, the applicant shall take into account and indicate on the plan all factors which may affect erosion control on and adjacent to the site and provide a site drawing drawn to scale, designating the location of the most suitable erosion control devise, so as to prevent sediment runoff to the greatest degree practicable. The plan shall also include a sediment runoff to the greatest degree practicable. The plan shall also include a timetable of land disturbing activities, the area involved in each such activity, and the temporary and permanent procedures to be taken to minimize sediment runoff.

- 2) Erosion Control Devices. Erosion control devices shall include sedimentation basins, filter fences, straw bales and mulch, tarps, temporary and permanent seeding, sodding and channeling surface water around disturbed areas.

**E) Other Requirements.**

- 1) Waste and Material Disposal. All waste and unused building materials, including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials, shall be properly disposed of and not allowed to be carried by runoff into a receiving channel.
- 2) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private roadway shall be removed by street cleaning (not flushing) before the end of each work day.
- 3) Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric or equivalent barrier.

**F) Inspection.** The Building Inspector shall inspect the site as often as he deems necessary for the enforcement of this s..

**G) Enforcement.**

- 1) Stop-work Order. The building inspector may post a stop-work order if:
  - a) Any land disturbing activity requiring a permit under this s. is undertaken without a permit; or
  - b) The control plan is not being implemented in a good faith manner; or
  - c) The conditions of the permit are not being met.
- 2) Permit Revocation. If, within 10 days of the issuance of a stop-work order, any permittee does not cease the activity or comply with the control plan, the Building Inspector may revoke the permit.
- 3) Cease and Desist Order. In the event any person without a permit fails to obey a stop-work order or obtain a permit within 10 days, the Building Inspector may request a Town Attorney to obtain a cease and desist order.
- 4) Special Charge. Ten days after posting a stop-work order, the Building Inspector may issue a notice of intent to the permittee of landowner of land user of his intent to perform work necessary to comply with this s.. The Building Inspector may go on the land and commence the work 14 days from issuing the notice of intent. The costs of the work performed by the Building Inspector shall be billed to the permittee or the landowner. In

the event the amount due on the tax rolls and collect as a special charge against the property, pursuant to §66.60(16), Wis. Stats., 1999-2000.

**H) Appeals.** Any person aggrieved by the grant or denial of a permit or any order issued by the Building Inspector may appeal to the Board of Zoning Appeals, pursuant to Sec. 18-19 of this Chapter.

**Sec. 18-14 Traffic, Parking, and Access.**

**A) Loading Requirements.** In all business districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

**B) Parking Requirements.** In all business districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

1) **Access.** Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 12 feet wide for one and two family dwellings and a minimum of 24 feet for all other uses.

2) **Size.** The size of each parking space shall be not less than 9 feet by 18 feet, exclusive of the space required for ingress and egress.

3) **Location.** The location is to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district.

4) **Surfacing.** All off street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than 5 vehicles shall have the aisles and spaces clearly marked.

5) **Curbs or Barriers.** Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot line.

6) **Number of Parking stalls required.**

- |                                    |                          |
|------------------------------------|--------------------------|
| a) Single and two family dwellings | 2 stalls/dwelling unit   |
| b) Multi family dwelling           | 1 ½ stalls/dwelling unit |
| c) Hotels and motels               | 1 stall per/guest room   |
|                                    | 1 stall/3 employees      |

d) **Surfacing.** All off street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than 5 vehicles shall have the aisles and spaces clearly marked.



- e) Curbs and Barriers. Curbs and barriers shall be installed so as to prevent the parked vehicles from extending over any lot line.
- f) Medical and dental clinics                               3 stalls/doctor
- g) Churches, theaters, community centers, auditoriums and other places of public assembly
- h) Secondary and elementary schools                         1 stall/2 employees plus  
   1 stall/student auto permitted
- i) Restaurants, bars, places of Entertainment, repair shops, retail And service stores                                 1 stall/150 square feet of floor area
- j) Warehouses   1 stall/5 employees
- k) Financial institutions and Businesses, governmental and Professional offices                                 1 stall/200 square feet of floor area  
   1 stall/2 employees
- l) Bowling alleys   5 stalls/alley

\*In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.

\*Combinations of the above uses shall provide the total of the number of stalls required for each individual use.

**C) Driveways.** All driveways installed, altered, changed, replaced or extended after the effective date of this chapter shall meet the provisions of the Town of Dodgeville Driveway Ordinance.

**D) Ditch Lines.** Within 30 days of occupancy or landscaping: if the ditch line is disturbed it shall be restored to its original location and slopes as shown on the original plans and will be subject to inspection by the driveway inspector, unless otherwise given written approval from government entity to modify ditch line conditions.

**E) Culverts.** Culverts shall be a minimum of 24 feet in width and 18 inches in diameter unless otherwise approved by the governmental entity. No culvert shall be less than 15 inches under any condition. Lots 33-50 have pre-determined culvert sizes:

15" CULVERTS: LOTS: 33, 38, 39, 40, 41, 42,43, 44, 45, 46, 47, 48

18" CULVERTS: LOTS: 35, 36, 37, 50

MIXED:                         LOT 34: North of Road Culvert - 2 culverts 35" x 24"  
   South of Road Culvert - 18"

LOT 43: North Property Line - 15"  
East Property Line - 18"  
LOT 49: South Property Line - 2 culverts 49" x 22" CMPA  
West Property Line, North of road culvert 18"  
West Property Line, South of road culvert: 2 culverts 42"x29" CMPA

**Sec. 18-15 Performance Standards, Compliance**

A) This chapter permits specific uses in specific districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following performance standards.

- 1) Air Pollution. No activity shall emit any fly ash, dust, fumes, vapor, mists or gases in such quantities as to cause soiling or danger to health of persons, animals, vegetation or property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mine's Information Circular 7718.
- 2) Fire and Explosive Hazards. All activities involving the utilization, processing, or storage or inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active in intense burning shall be utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.
- 3) Glare and Heat. No unsanctioned activity shall emit glare or heat that is visible or measurable outside its premises. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- 4) Liquid or Solid Wastes. No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.
- 5) Noise and Vibration. There shall be no noise or vibration over 70 decibels emanating from any unsanctioned activities beyond the boundaries of the immediate site determined to be a nuisance by the Town Building Inspector. Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standard of this s..
- 6) Odors. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises.

- 7) Radioactivity and Electrical Disturbances. No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

**Sec. 18-16 Signs and Billboards.**

- A) *Permit Required.* No sign except official signs, such as traffic control and parking restrictions, information and notices required by State and Federal regulations, shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a permit, and without being in conformity with the provisions of this section. Application for such permit shall be made to the Town Clerk, to be acted upon by the Building Inspector. Except as specifically indicated to the contrary, there shall be a \$10 fee for such a permit.
- B) *Signs in Residential Districts.* Only those signs listed below are permitted in residential districts. All other signs are prohibited.
  - 1) Signs over shop windows or doors of a non conforming business or industrial establishment announcing, without display or elaboration, only the name and occupation of the proprietor, and not to exceed 2 feet in height and 20 feet in length.
  - 2) Real estate signs not to exceed 8 square feet in area which advertise the sale, rental or lease of the premises upon which side signs are temporarily located. No fee shall be required. Such signs shall be removed within 30 days after the signing of the sale, rental or lease contract.
  - 3) Name, occupation and warning signs, not to exceed 2 square feet, located on the premises, and not more than one such sign per 8,000 square feet of lot area.
  - 4) Bulletin boards for public, charitable or religious institutions, not to exceed 16 square feet in area, located on the premises. No fee shall be required.
  - 5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure. No fee shall be required.
  - 6) Official signs, such as traffic control and parking restrictions, and information and notices not exceeding 3 ½ square feet in size and not more than one such sign per 4,000 square feet of lot area.
  - 7) Temporary signs or banners, when authorized by the Town Board, and for which no fee shall be required.

- 8) Signs in residential districts shall have a minimum setback of 8 feet on interior or through lots and shall be set back according to the traffic visibility area requirements of this chapter for corner lots.

C) *Signs in Business Districts.* Signs are permitted in all business districts, subject to the following restrictions:

- 1) Signs Prohibited in Public Ways. Except for traffic signs and signals, signs specifically permitted to project into the public way by this s., or any other sign so authorized by law, no signs shall be placed upon, over or in any public way.
- 2) Signs Not to Constitute a Public Hazard. No sign shall be erected at any location where it may, by reason of its position, shape, color or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, traffic signal or other traffic device, nor shall any sign make use of the words “stop” “danger” or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- 3) Ground Signs. Ground signs located on the premises shall not exceed 200 square feet on a single face or 400 square feet on all faces and must observe all applicable building setback lines and shall not exceed 25 feet in height if each foot of setback from the property line and which height may be increased by one foot for each foot of setback from the property line up to a maximum of 35 feet in height. An on-premises sign shall be defined as a sign located on the property of the business or activity to be advertised. The surface area of a sign shall be determined by the smallest number of circles, squares, rectangles or triangles needed to include or cover the entire surface area of the sign within its outer perimeter. The bottom of the sign shall be at least 10 feet above the ground.
- 4) Ground Signs Not located on the Premises. Except, as hereafter authorized, no ground signs advertising a business located off the premises where such sign is located, other than directional signs, shall be permitted. Such directional signs shall not exceed 100 square feet on one face and 200 square feet on all faces and shall not exceed 20 feet in height.
- 5) Termination of Business. At the termination of a business, commercial or industrial enterprise, all signs shall forthwith be removed from the public view. Responsibility for violation shall reside with the property owner, according to the latest official tax roll listing.
- 6) Shopping Centers. In a shopping center, one free-standing identification sign may be permitted, showing the name of said center and the represented businesses. The area of said sign shall not exceed 200 square feet on one face and 400 square feet on all faces. Said sign shall not be permitted within 20 feet of the right of way line of the street.
- 7) Surface Display Area. The total surface display area of business signs on the front facade of a building shall not exceed 3 square feet per linear foot of width of the building

frontage. In the case of a building located on a corner lot, such display area on the side facing the secondary street may be increased by one square foot per linear foot of the length of the building which faces the secondary street. Said increased permitted display area shall be used only for the erection of a permitted sign on the length of the building which faces the secondary street. Where the premises abut a parking lot, the total display area shall be used only for the erection of a permitted sign on the length of the building which faces the secondary street. Where the premises abut a parking lot, the total display area may be increased by 0.5 square foot per linear foot of width of length of the building fronting on such parking lot. Such increased display area shall only be utilized for the erection of a permitted sign on that part of the building which abuts said parking lot. In no case shall the wall area usable for sign display be in excess of 200 square feet on any one side.

- 8) Projected Beyond Building Line. Business signs mounted on buildings shall not be permitted to project more than 48 inches beyond the building line.
- 9) Number of Signs. No sign advertising a business other than the one located on the premises where the sign is located shall be located on the front, rear, or side walls of a building.
- 10) Directional Signs. Necessary directional ground signs, not exceeding 4 square feet in area, may be permitted for public, charitable or religious institutions. No fee shall be required.
- 11) Lighting. Business signs may be internally lighted or illuminated by a hooded reflector, provided, however, that such lighting shall be arranged to prevent glare, and no sign shall contain lighting of an intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices are prohibited.
- 12) Obstruction of Openings. Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as means of ingress or egress, or for firefighting purposes, or placed so as to interfere with any opening required for legal ventilation is prohibited.
- 13) Street Intersections. No sign or advertising device shall be erected or maintained at the intersections of streets in such a manner as to obstruct clear view of the intersections.
- 14) Height. No sign shall be erected on the roof of a building nor shall the top of any sign in the Town be more than 35 feet above the ground.
- 15) Billboards. Except as otherwise provided in this section, billboards, outdoor advertising signs or any business signs not located on the same property as the business shall not be permitted in any district.

16) Hanging Signs. Signs shall be permitted to hang over walk areas in business districts, provided that there shall be only one sign, not to exceed 12 square feet in area, for each business and that the bottom of such sign shall be at least 10 feet above ground level over any walk area that is more than 4 feet in width and at least 12 feet above ground level over any walk area that is 4 feet in width or less.

D) *Variance*. The Board of Zoning Appeals is hereby authorized to grant variances to the provisions of this s. on whatever terms and conditions it deems reasonable. The same procedures shall apply for appeals hereunder that apply for other appeals to the Board and there shall be a \$100 filing fee for such appeals.

#### **Sec. 18-17 Permits Required.**

No building or structure, or any part thereof, shall hereafter be built within the S. of the Town covered by this chapter unless a Driveway Permit (Chapter 6), Uniform Dwelling Code Permit (Chapter 10) and a Zoning Permit therefore shall first be obtained by the owner or his agent from the Town. The Zoning permit shall be obtained for a fee of \$125.00 and will require that the Towns designee verify setbacks after the footings are in place. No construction shall be commenced prior to the issuance of such permits. Commencement of construction shall include such acts as constructing forms for cement work.

#### **Sec. 18-18 Certificate of Occupancy.**

A) *Certificate Required*. No vacant land shall be used or occupied for other than an approved use in the zoning district in which it is located and no building hereafter moved into or relocated within the Town shall be so occupied or used until a certificate of occupancy shall have been issued by the Building Inspector. Such certificate shall show that the building or land or part thereof and the proposed use thereof are in conformity with the provisions of this chapter. No such certificate shall be required for any property for which a valid zoning permit providing for such use or occupancy exists.

B) *Application for Certificate*. Application for such certificate shall be made to the Building Inspector, in writing, on such form and containing such information as the applicant deems sufficient to advise such Coordinator of his request. After reviewing such application, the Coordinator may require additional information, as he deems necessary.

C) *Temporary Certificate*. The Board of Zoning appeals is hereby authorized to hear and rule on appeals from the denial of such certificates by the Building Inspector and, upon such terms and with such conditions as it deems proper, may authorize the Building Inspector to issue a temporary certificate for a limited period of time.

D) *Fees*. There shall be deposited with such application for a certificate of occupancy a fee of \$10 , except that there shall be no fee charged for such a certificate when the application therefore covers property for which a valid zoning permit that exists.

#### **Sec. 18-19 Board of Zoning Appeals.**

**A) *Membership.*** Membership on the Board of Zoning Appeals shall consist of five members, appointed by the Town Chair subject to confirmation of the Town Board, for terms of three years. Except that the of those first appointed one shall serve for one year, two for two years and two for 3 years.

**B) *Compensation.*** There will be no compensation for members.

**C) *Appeals to the Board.***

- 1) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the administrative officers. Such appeal shall be taken within 30 days from either the date of actual notice of said decision to the person aggrieved or from the date of the mailing of a copy of said decision to him, whichever is earlier, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the ground thereof. Filing with the Board shall be accomplished by filing with the Town Clerk.
- 2) The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- 3) The Board shall fix a reasonable time for the hearing of the appeal and shall give public notice thereof by publication once in the Dodgeville Chronicle, said publication to be not less than 5 days before said hearing nor more that 15 days before said hearing and shall give notice to the parties in interest and shall decide the same within a reasonable time.
- 4) A filing fee of \$100 shall accompany each appeal and no appeal shall be deemed properly filed unless said fee is paid.

**D) *Powers of the Board.*** The Board shall have the following powers:

- 1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official.
- 2) To hear and decide special exceptions to the terms of this chapter upon which the Board is required to consider.
- 3) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.
- 4) Permit the erection and use of a building or premises in any location subject to appropriate conditions and safe guards in harmony with the general purposes of this

chapter for such public utility purposes, which are reasonably necessary for public convenience and welfare.

- 5) The Board may reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premises and to that end shall have all the powers of the administrative official. The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this chapter.

**E) *Other Powers.*** In addition to the foregoing, the Board shall have the following specific powers:

- 1) To grant a permit for a temporary building for commerce in a residential district, which is, incidental to the residential development, such permit to be issued for a period of not more than six months.
- 2) To grant a permit for the extension of a district boundary for a distance of not more than 25 feet where the boundary of a district divides a lot in single ownership at the time of adoption of this chapter.
- 3) To permit the temporary storage, as defined herein, of an item otherwise prohibited under Sec. 18-4 of this chapter.
- 4) To interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan as shown of the Official Map accompanying and made a part of this chapter where the street layout actually on the ground varies from the street layout on the aforesaid map.
- 5) The Board shall have the power to call on any other Town department for assistance in the performance of its duties and it shall be the duty of such other department to render such assistance as may be reasonably required.

**F) *Powers Limited.*** Except as specifically provided, no action of the Board shall have the effect of permitting in any district uses prohibited in such district; not shall such Board be permitted to take any action which would, in effect create a buildable lot smaller than the minimum lot size or area otherwise required by the Town; nor may such Board rule on conditional uses or overrule Town Board action.

#### **Sec. 18-20 Changes and Amendments.**

**A) *Authority.*** Whenever the public necessity, convenience, general welfare of good zoning practice require, the Town may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto.



Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

- B) *Initiation.* A change or amendment may be initiated by the Town Board, the Plan Commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- C) *Petitions.* Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk and shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following”
  - 1) A plot plan showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 1000 feet of the area proposed to be rezoned.
  - 2) The owners names and addresses of all properties lying within 1000 feet of the area proposed to be rezoned.
  - 3) Additional information required by the Plan Commission.
  - 4) A fee of \$100.
- D) *Recommendations.* The Plan Commission shall hold a public hearing and review all proposed changes and amendments and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board.
- E) *Town Board Action.* After careful consideration of the Plan Commission recommendations, the Town Board shall vote on the passage of the proposed change or amendment.
- F) *Protest.* In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 50% or more of the land included in such proposed change, or by the owners of 50% of the total perimeter of the area proposed to be altered that is included within 300 feet of the parcel to be rezoned, such changes or amendments shall not become effective except by the favorable vote of  $\frac{3}{4}$  of the members of the Town Board voting on the proposed change. -

**Sec. 18-21 Violation and Penalties.**

Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall forfeit a sum of not less than \$10 nor more than \$200, together with the costs of prosecution, and, in case of nonpayment of such forfeitures, shall be imprisoned in the Iowa County Jail for a term of not more than 30 days or until such judgment is paid, and each day of violation shall constitute of separate offense.

## Chapter 19

### **CODE OF ORDINANCES**

#### **Sec. 19-1 Purpose, Authorization, and Adoption.**

The Town Board of the Town of Dodgeville, Iowa County Wisconsin, does hereby ordain as follows: The code of ordinance in book form entitle, "Town of Dodgeville Code of Ordinances", having been placed on file and open to public inspection in the office of the town clerk for a period of four weeks commencing on November 13, 2002, pursuant to Wis. Stat. 66.0103, is hereby adopted as the general code of ordinances in and for the Town of Dodgeville, Iowa County, Wisconsin. This ordinance shall take effect upon passage and posting as required by law.

