

**TOWN OF SUMPTER CODE OF ORDINANCES
SAUK COUNTY, WISCONSIN**

TABLE OF CONTENTS

TITLE 1. GENERAL PROVISIONS	6
CHAPTER 1.01 USE AND CONSTRUCTION; CITATIONS.....	6
Sec. 1.01.01 Title of Code; Citation.....	6
Sec. 1.01.02 Principles of Construction.....	6
Sec. 1.01.03 Conflict of Provisions	8
Sec. 1.01.04 Severability of Provisions.....	8
CHAPTER 1.02 EFFECTIVE DATE OF ORDINANCES	9
Sec. 1.02.01 Code	9
CHAPTER 1.03 REPEAL OF GENERAL ORDINANCES	10
Sec. 1.03.01 Repeal of General Ordinances	10
Sec. 1.03.02 Effect of Repeals	10
TITLE 2. GOVERNMENT AND ADMINISTRATION	12
CHAPTER 2.01 TOWN PLAN COMMISSION	12
Sec. 2.01.01 Purpose	12
Sec. 2.01.02 Authority; Establishment	12
Sec. 2.01.03 Membership	13
Sec. 2.01.04 Appointments	13
Sec. 2.01.05 Terms of Office	13
Sec. 2.01.06 Vacancies	14
Sec. 2.01.07 Compensation; Expenses	14
Sec. 2.01.08 Experts & Staff	14
Sec. 2.01.09 Rules; Records.....	14
Sec. 2.01.10 Chairperson & Officers.....	14
Sec. 2.01.11 Commission Members as Local Public Officials.....	15
Sec. 2.01.12 General & Miscellaneous Powers	15
Sec. 2.01.13 Town Master Planning & Comprehensive Planning: General Authority & Requirements	16
Sec. 2.01.14 Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment	16
Sec. 2.01.15 Plan Implementation & Administration	18
Sec. 2.01.16 Referrals to the Plan Commission.....	19
CHAPTER 2.02 TOWN FINANCE	24
Sec. 2.02.01 Town Treasurer	24
Sec. 2.02.02 No Bond Required.....	24

CHAPTER 2.03	TOWN CLERK	25
Sec. 2.03.01	Town Clerk.....	25
Sec. 2.03.02	Establishing Split Shifts for Election Officials.....	25
CHAPTER 2.04	FAIR AND OPEN HOUSING	26
Sec. 2.04.01	Purpose	26
Sec. 2.04.02	State Open Housing Laws Adopted.....	26
Sec. 2.04.03	Implementation Authority and Enforcement Procedures	26
Sec. 2.04.04	Maintenance of Form.....	26
CHAPTER 2.05	DESTRUCTION OF OBSOLETE RECORDS	27
Sec. 2.05.01	Purpose	27
Sec. 2.05.02	Authority	27
Sec. 2.05.03	Financial Records	27
Sec. 2.05.04	Utility Records	28
Sec. 2.05.05	Other Records	28
Sec. 2.05.06	Time Period	28
Sec. 2.05.07	Historical Society Notification.....	28
Sec. 2.05.08	Penalty Provisions.....	28
Sec. 2.05.09	Construction.....	29
CHAPTER 2.06	ASSESSING COSTS FOR SPECIAL MEETING REQUESTS	30
Sec. 2.06.01	Purpose	30
Sec. 2.06.02	Special Meeting Costs.....	30
Sec. 2.06.03	Notice	30
TITLE 3. PUBLIC SAFETY		31
CHAPTER 3.01	[RESERVED]	31
TITLE 4. PUBLIC WORKS AND PARKS		32
CHAPTER 4.01	[RESERVED]	32
TITLE 5. PUBLIC UTILITIES		33
CHAPTER 5.01	[RESERVED]	33
TITLE 6. HEALTH AND SANITATION		34
CHAPTER 6.01	RECYCLING.....	34
Sec. 6.01.01	Title.....	34
Sec. 6.01.02	Purpose	34
Sec. 6.01.03	Statutory Authority.....	35
Sec. 6.01.04	Abrogation and Greater Restrictions.....	35
Sec. 6.01.05	Interpretation	35
Sec. 6.01.06	Applicability.....	35
Sec. 6.01.07	Administration	35

Sec. 6.01.08	Definitions	35
Sec. 6.01.09	Separation of Recyclable Materials.....	38
Sec. 6.01.10	Separation Requirements Exempted	38
Sec. 6.01.11	Care of Separated Recyclable Materials.....	39
Sec. 6.01.12	Management of Lead Acid Batteries, Major Appliances, Waste Oil, and Yard Waste	39
Sec. 6.01.13	Preparation and Collection of Recyclable Materials	40
Sec. 6.01.14	Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.....	40
Sec. 6.01.15	Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties	41
Sec. 6.01.16	Prohibitions on Disposal of Recyclable Materials Separated for Recycling.....	41
Sec. 6.01.17	Enforcement	41
TITLE 7. LICENSING AND REGULATION		43
CHAPTER 7.01	BUILDING CODE.....	43
Sec. 7.01.01	Title and Purpose	43
Sec. 7.01.02	Definitions	43
Sec. 7.01.03	Building Inspector.....	44
Sec. 7.01.04	Wisconsin Uniform Dwelling Code Adopted; Scope	44
Sec. 7.01.05	Wisconsin Commercial Building Code Adopted; Scope	44
Sec. 7.01.06	Wisconsin Plumbing Code Adopted; Scope	44
Sec. 7.01.07	Building Permit Required	44
Sec. 7.01.08	Building Information Permit Required	45
Sec. 7.01.09	Permit Administration.....	46
Sec. 7.01.10	Penalties.....	46
CHAPTER 7.02	DRIVEWAY PERMITS	47
Sec. 7.02.01	Purpose	47
Sec. 7.02.02	Jurisdiction	47
Sec. 7.02.03	Authority	47
Sec. 7.02.04	Definitions	48
Sec. 7.02.05	Application Requirements and Procedures	48
Sec. 7.02.06	Plan Requirements	51
Sec. 7.02.07	Specifications for Driveway Location Plans.....	51
Sec. 7.02.08	Specifications For Driveway Construction Plans	52
Sec. 7.02.09	Approval For Driveway Construction Permits	53
Sec. 7.02.10	Specifications For Constructing Driveways	53
Sec. 7.02.11	Existing Driveways	59
Sec. 7.02.12	Penalties.....	59
Sec. 7.02.13	Establishing Fees For Driveway Construction Permits	60
CHAPTER 7.03	MANUFACTURED AND MOBILE HOME, CAMPING AND TEMPORARY OR SEASONAL RESIDENCE REGULATIONS.....	61
Sec. 7.03.01	Title.....	61

Sec. 7.03.02	Purpose	61
Sec. 7.03.03	Authority	61
Sec. 7.03.04	Definitions	62
Sec. 7.03.05	Maintenance and Habitability	64
Sec. 7.03.06	Temporary and Mobile Home Dwellings Outside Manufactured and Mobile Home Communities	65
Sec. 7.03.07	Manufactured and Mobile Home Communities	66
Sec. 7.03.08	Campgrounds	70
Sec. 7.03.09	General License and Permit Provisions	70
Sec. 7.03.10	Penalty Provisions.....	71
CHAPTER 7.04	ANIMAL LICENSE FEES	72
Sec. 7.04.01	Dog License Fee	72
CHAPTER 7.05	OUTDOOR FURNACE PERMITS.....	73
Sec. 7.05.01	Purpose and Authority	73
Sec. 7.05.02	Definitions	73
Sec. 7.05.03	Permits	74
Sec. 7.05.04	Regulations.....	74
Sec. 7.05.05	Materials that May Not Be Burned	75
Sec. 7.05.06	Enforcement	76
Sec. 7.05.07	Penalty	76
TITLE 8. MOTOR VEHICLES AND TRAFFIC		78
CHAPTER 8.01	GENERAL TRAFFIC REGULATIONS.....	78
Sec. 8.01.01	[RESERVED]	78
CHAPTER 8.02	SPECIFIC TRAFFIC REGULATIONS	79
Sec. 8.02.01	Gruber’s Grove Road.....	79
CHAPTER 8.03	HIGHWAY DESIGNATIONS.....	80
Sec. 8.03.01	Authority	80
Sec. 8.03.02	Highway Designations and Weight Limitations	80
Sec. 8.03.03	Imposition of Weight Limitations.....	80
Sec. 8.03.04	Enforcement	80
TITLE 9. NUISANCES AND OFFENSES		81
CHAPTER 9.01	REGULATION AND LICENSING OF FIREWORKS.....	81
Sec. 9.01.01	Definitions	81
Sec. 9.01.02	Regulations.....	82
Sec. 9.01.03	Storage and Handling.....	84
Sec. 9.01.04	Parental Liability	84
TITLE 10. LAND USE REGULATIONS		85
CHAPTER 10.01	LAND DIVISION AND SUBDIVISION	85

Sec. 10.01.01	Purpose and Intent.....	85
Sec. 10.01.02	Abrogation and Greater Restrictions.....	86
Sec. 10.01.03	Interpretation.....	86
Sec. 10.01.04	Repeal.....	86
Sec. 10.01.05	Title.....	86
Sec. 10.01.06	Authority.....	86
Sec. 10.01.07	Jurisdiction.....	86
Sec. 10.01.08	General Provisions.....	87
Sec. 10.01.09	Procedure.....	91
Sec. 10.01.10	Preliminary Plat and Development Plan.....	94
Sec. 10.01.11	Final Plat and Plan.....	99
Sec. 10.01.12	Certified Survey Map.....	102
Sec. 10.01.13	Design Standards.....	104
Sec. 10.01.14	Required Improvements.....	111
Sec. 10.01.15	Construction.....	114
Sec. 10.01.16	Developer's Maintenance Responsibility.....	116
Sec. 10.01.17	Responsibility For Improvement Costs; Fees.....	116
Sec. 10.01.18	Fees.....	117
Sec. 10.01.19	Violations.....	118
Sec. 10.01.20	Penalties.....	118
Sec. 10.01.21	Definitions.....	118
CHAPTER 10.02 [RESERVED].....		123
TITLE 11.LAKE REGULATIONS		124
CHAPTER 11.01 LAKE WISCONSIN AND WATER TRAFFIC REGULATIONS.....		124
Sec. 11.01.01	Applicability and Enforcement.....	124
Sec. 11.01.02	Intent.....	124
Sec. 11.01.03	State Boating and Safety Laws Adopted.....	124
Sec. 11.01.04	Penalties.....	124

TITLE 1. GENERAL PROVISIONS

Chapter 1.01	Use and Construction; Citations
Chapter 1.02	Effective date of ordinances
Chapter 1.03	Repeal of general ordinances

CHAPTER 1.01 USE AND CONSTRUCTION; CITATIONS

Sec. 1.01.01	Title of Code; Citation
Sec. 1.01.02	Principles of Construction
Sec. 1.01.03	Conflict of Provisions
Sec. 1.01.04	Severability of Provisions

Sec. 1.01.01 **Title of Code; Citation**

These collected ordinances shall be known and referred to as the “Town of Sumpter Code of Ordinances.” References to this code shall be cited as follows: “Sec. 2.01.01, Code of Ordinances, Town of Sumpter, Wisconsin.”

Sec. 1.01.02 **Principles of Construction**

The following rules or meanings shall be applied in the construction and interpretation of ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

- A. Acts by agents. When an ordinance requires an act be done by a person which may be legally be performed by an authorized agent of the principal person, the requirement shall be construed to include all acts performed by such agents.
- B. Computation of Time. In computing any period of time prescribed or allowed by these ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this Section, “legal holidays” means any statewide legal holiday specified in sec. 230.35(4)(a), Wis. Stats.

- C. Fine. The term “fine” shall be the equivalent of the word “forfeiture,” and vice versa.
- D. Gender. Every word in these ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.
- E. General Rule. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the ordinances.
- F. Joint Authority. All words purporting to give a joint authority to three (3) or more Town officers or other persons shall be construed as giving such authority to a majority of such officers or other persons.
- G. Person. The word person shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
- H. Repeal. When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- I. Singular and Plural. Every word in these ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these ordinances referring to a plural number shall also be construed to apply to one (1) person or thing.
- J. Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- K. Town. The words “the Town” or “this Town” shall mean the Town of Sumpter, Wisconsin.
- L. Town Board. Whenever the words “Town Board” or “Board” are used, they shall mean the Town Board of the Town of Sumpter, Wisconsin.
- M. Town Clerk. Whenever the words “Clerk” or “Town Clerk” are used, they shall mean the Town Clerk of the Town of Sumpter, Wisconsin.
- N. Wisconsin Administrative Code. The term “Wisconsin Administrative Code” and its abbreviation “Wis. Admin. Code” shall mean the Wisconsin Administrative Code as of the adoption of this code, as amended or renumbered from time to time.

- O. Wisconsin Statutes. The term “Wisconsin Statutes” and its abbreviation as “Wis. Stats.” shall mean the Wisconsin Statutes and Annotations for 2013-14 updated through 2015 Wisconsin Act 392, published May 10, 2016.

Sec. 1.01.03 **Conflict of Provisions**

- A. If the provisions of different Chapters appear to conflict with each other, the provisions of each individual Chapter shall control all issues arising out of the events and persons most specifically intended to be governed by that Chapter.
- B. If the provisions of different sections of the same Chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

Sec. 1.01.04 **Severability of Provisions**

If any provision, clause, section, or chapter of this Code of Ordinances is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provision, clause, section, or chapter of this Code of Ordinances. The remainder of this Code of Ordinances shall remain in full force and effect.

CHAPTER 1.02 EFFECTIVE DATE OF ORDINANCES

Sec. 1.02.01 Code

Sec. 1.02.01 Code

- A. Code of Ordinances. The Code of Ordinances, Town of Sumpter, Wisconsin shall take effect from and after passage and publication pursuant to sec. 66.0103, Wis. Stats.
- B. Subsequent ordinances. All ordinances passed by the Town Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

CHAPTER 1.03 REPEAL OF GENERAL ORDINANCES

Sec. 1.03.01	Repeal of General Ordinances
Sec. 1.03.02	Effect of Repeals

Sec. 1.03.01 **Repeal of General Ordinances**

- A. All general ordinances heretofore adopted by the Town of Sumpter are hereby repealed. This shall not include any ordinances or parts of ordinances or resolutions relating to the following subjects and not conflicting with the provisions of this code:
- (1) Salaries of public officials and employees;
 - (2) The creation or abolition of offices;
 - (3) The annexation of territory to the Town;
 - (4) Releases of persons from liability;
 - (5) Contracts or rights created by resolution or board action other than general ordinance;
 - (6) Naming of public property within the Town;
 - (7) Tax and special assessment levies;
 - (8) Construction of public works;
 - (9) Budget ordinances, resolutions and actions;
 - (10) Issuance of corporate obligations by the Town;
 - (11) Establishment of grades, curb lines and widths of sidewalks, and the location of public streets and alleys; and
 - (12) Waterfront property lines and regulations.

Sec. 1.03.02 **Effect of Repeals**

The repeal or amendment of any provision of this code or of any other ordinance or resolution of the Town Board shall not:

- A. Affect any rights, privileges, obligations or liabilities which were acquired or incurred or which have accrued under the repealed or amended provision, unless the Town has expressly reserved the right to revoke such right, privilege, obligation, or liability.
- B. Affect any offense, penalty or forfeiture, or prosecution for any offense, or levy of any penalty or forfeiture that has arisen prior to the repeal or amendment of the relevant provision of any ordinance or resolution. The preceding sentence shall not preclude the application of a lesser penalty or forfeiture if the new amending or repealing provision contains such a lesser penalty or forfeiture. The procedure for prosecution of any violations or ordinances repealed or amended shall be conducted according to the procedure set forth in the new amending or repealing provision or other procedure currently in effect.

TITLE 2. GOVERNMENT AND ADMINISTRATION

Chapter 2.01	Town Plan Commission
Chapter 2.02	Town Finance
Chapter 2.03	Town Clerk
Chapter 2.04	Fair and Open Housing
Chapter 2.05	Destruction of Obsolete Records
Chapter 2.06	Assessing Costs for Special Meeting Requests

CHAPTER 2.01 TOWN PLAN COMMISSION

Sec. 2.01.01	Purpose
Sec. 2.01.02	Authority; Establishment
Sec. 2.01.03	Membership
Sec. 2.01.04	Appointments
Sec. 2.01.05	Terms of Office
Sec. 2.01.06	Vacancies
Sec. 2.01.07	Compensation; Expenses
Sec. 2.01.08	Experts & Staff
Sec. 2.01.09	Rules; Records
Sec. 2.01.10	Chairperson & Officers
Sec. 2.01.11	Commission Members as Local Public Officials
Sec. 2.01.12	General & Miscellaneous Powers
Sec. 2.01.13	Town Master Planning & Comprehensive Planning: General Authority & Requirements
Sec. 2.01.14	Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment
Sec. 2.01.15	Plan Implementation & Administration
Sec. 2.01.16	Referrals to the Plan Commission

Sec. 2.01.01 **Purpose**

The purpose of this Chapter is to establish a Town of Sumpter 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. 2.01.02 **Authority; Establishment**

The Town Board of the Town of Sumpter has been authorized by the Town meeting under sec. 60.10(2)(c), Wis. Stats., to exercise village powers and the Town has a

population of less than 2,500, according to the most recent regular or special federal census, sec. 990.01(29), Wis. Stats. The Town Board hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a five (5) member Plan Commission under secs. 60.62(4), 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 ordinances.

Sec. 2.01.03 **Membership**

The Plan Commission consists of one (1) member of the Town Board, who may be the Town Board Chairperson, and four (4) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.

Sec. 2.01.04 **Appointments**

The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis. Stats.

Sec. 2.01.05 **Terms of Office**

The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified, except:

- A. Initial Terms. The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.

- B. Town Board Member or Chairperson. The Plan Commission member who is a Town Board member or Town Board Chairperson, including a person designated the Plan Commission Chairperson, shall serve for a period of two (2) years, as allowed under sec. 66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board, except an initial appointment

made after April 30 shall be for a term that expires two (2) years from the previous April 30.

Sec. 2.01.06 **Vacancies**

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

Sec. 2.01.07 **Compensation; Expenses**

The Town Board of the Town of Sumpter hereby sets a per diem allowance of thirty five (\$35.00) dollars 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. 2.01.08 **Experts & 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. 2.01.09 **Rules; 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 subch. II of ch. 19, Public Records and Property, Wis. Stats.

Sec. 2.01.10 **Chairperson & Officers**

A. Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in Sections 2.01.04 and 2.01.05 of this Chapter. 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. 2.01.11 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 Wisconsin Statutes on: Public Records and Property, subch. II of ch. 19, Wis. Stats.; Code of Ethics for Public Officials and Employee, subch. III of ch. 19, Wis. Stats.; Open Meetings of Governmental Bodies, subch. V of ch. 19, Wis. Stats.; Misconduct in Office, sec. 946.12, Wis. Stats.; and Private Interests in Public Contracts, sec. 946.13, Wis. Stats. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

Sec. 2.01.12 General & Miscellaneous Powers

The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the powers:

- A. Necessary to enable it to perform its functions and promote Town planning.
- B. 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.
- C. To recommend to the Town Board programs for public improvements and the financing of such improvements.
- D. To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- E. 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. 2.01.13 **Town Master Planning & Comprehensive Planning: General Authority & Requirements**

- A. The Plan Commission, under sec. 62.23(2), Wis. Stats., shall, except as provided in Section 2.01.13(B), 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 Section 2.01.13(A), 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. In this section 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. 2.01.14 **Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment**

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

- A. 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.

- B. 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 recommending adoption of 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:
- (1) 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;
 - (2) The plan contains the nine (9) specified elements and meets the requirements of those elements;
 - (3) The maps and other descriptive materials relating to the plan;
 - (4) 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
 - (5) 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 Section 2.01.13(C) of this section.
- C. 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) 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. 2.01.15 Plan Implementation & 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. III of ch. 91, Farmland Preservation Zoning, 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 relating to land use.
- 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) 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, and/or the development guidelines of the Town comprehensive plan shall be

referred to the Plan Commission for review and recommendation to the Town Board.

(2) Driveway siting and design.

- 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. 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. 2.01.16 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 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 Sections of the Wisconsin Statutes Other Than §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, Urban Redevelopment and Renewal, 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 Wisconsin Statutes to be referred to the Plan Commission.

C. Required Referrals Under This Chapter. In addition to referrals required by the Wisconsin Statutes, 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 driveway access ordinance or amendment.
- (4) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.
- (5) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats., and a Town exclusive agricultural zoning ordinance under subch. III of ch. 91, Farmland Preservation Zoning, Wis. Stats.
- (6) An application for a special exception permit under the County zoning ordinance.
- (7) A proposed site plan.
- (8) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.
- (9) 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.
- (10) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.
- (11) 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.
- (12) 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.

- (13) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.
- (14) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.
- (15) A proposed Town airport zoning ordinance under sec. 114.136(2), Wis. Stats.
- (16) A proposal to create environmental remediation tax incremental financing in the Town under sec. 66.1106, Wis. Stats.
- (17) A proposed county agricultural preservation plan or amendment, under subch. II of ch. 91, Farmland Preservation Planning, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
- (18) Alteration of Town Sanitary District boundaries.
- (19) 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 Wisconsin Statutes 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 Wisconsin Statutes, 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 2.02 TOWN FINANCE

Sec. 2.02.01
Sec. 2.02.02

Town Treasurer
No Bond Required

Sec. 2.02.01 **Town Treasurer**

Pursuant to sec. 60.30(1e)(a), Wis. Stats., the office of Town Treasurer shall be filled by appointment of a majority of the members-elect of the Town Board. The term of the office for the appointed position shall be set by the Town Board, but may not exceed three (3) years per sec. 60.30(1e)(c), Wis. Stats. The Town Board may re-appoint the Town Treasurer for additional terms. However, removal by the Town Board during a given term of office may only be for "cause" as defined under sec. 17.001, Wis. Stats., and required by sec. 60.30(1e)(f), Wis. Stats.

Sec. 2.02.02 **No Bond Required**

The Treasurer of the Town is exempted from giving the Bond specified in sec. 70.67(1), Wis. Stats. The Town hereby obligates itself to pay, in case the Treasurer shall fail so to do, all State and County taxes required by law to be paid by such Treasurer to the County Treasurer in accordance with sec. 70.67(2), Wis. Stats.

CHAPTER 2.03 TOWN CLERK

Sec. 2.03.01	Town Clerk
Sec. 2.03.02	Establishing Split Shifts for Election Officials

Sec. 2.03.01 **Town Clerk**

Pursuant to sec. 60.30(1e)(a), Wis. Stats., the office of Town Clerk shall be filled by appointment of a majority of the members-elect of the Town Board. The term of the office for the appointed position shall be set by the Town Board, but may not exceed three (3) years per sec. 60.30(1e)(c), Wis. Stats. The Town Board may re-appoint the Town Clerk for additional terms. However, removal by the Town Board during a given term of office may only be for “cause” as defined under sec. 17.001, Wis. Stats., and required by sec. 60.30(1e)(f), Wis. Stats.

Sec. 2.03.02 **Establishing Split Shifts for Election Officials**

- A. Authority. The Town Board of the Town of Sumpter, Sauk County, Wisconsin, has the specific authority under sec. 7.30(1)(b) to appoint one additional inspector at each polling place.
- B. Split Shifts. There shall be the option of split shifts for election workers on all election days.
- C. Appointment. The Town Board shall allow the clerk for each election, to appoint one (1) additional election inspector to serve between the hours of 7:00 a.m. and 8:00 p.m. at the polling place in the Town of Sumpter. Each additional election inspector shall serve as a greeter to answer questions and to direct electors to the proper locations for registration and voting and shall be available to substitute for other election officials who must leave the room during the voting process.

CHAPTER 2.04 FAIR AND OPEN HOUSING

Sec. 2.04.01	Purpose
Sec. 2.04.02	State Open Housing Laws Adopted
Sec. 2.04.03	Implementation Authority and Enforcement Procedures
Sec. 2.04.04	Maintenance of Form

Sec. 2.04.01 **Purpose**

The Town Board of the Town of Sumpter recognizes its responsibilities under sec. 106.50, Wis. Stats., as amended, and endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein.

Sec. 2.04.02 **State Open Housing Laws Adopted**

The Town Board of the Town of Sumpter hereby adopts sec. 106.50, Wis. Stats., as amended, and all subsequent amendments thereto.

Sec. 2.04.03 **Implementation Authority and Enforcement Procedures**

The officials and employees of the Town shall assist in the orderly prevention and removal of all discrimination in housing within the Town by implementing the authority and enforcement procedures set forth in sec. 106.50, Wis. Stats., as amended.

Sec. 2.04.04 **Maintenance of Form**

The Town Clerk shall maintain forms for complaints to be filed under sec. 106.50, Wis. Stats., as amended, and shall assist any person alleging a violation thereof in the Town to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of sec. 106.50, Wis. Stats., as amended.

CHAPTER 2.05 DESTRUCTION OF OBSOLETE RECORDS

Sec. 2.05.01	Purpose
Sec. 2.05.02	Authority
Sec. 2.05.03	Financial Records
Sec. 2.05.04	Utility Records
Sec. 2.05.05	Other Records
Sec. 2.05.06	Time Period
Sec. 2.05.07	Historical Society Notification
Sec. 2.05.08	Penalty Provisions
Sec. 2.05.09	Construction

Sec. 2.05.01 **Purpose**

The purpose of this Chapter is to provide the Town officers of the Town of Sumpter with the authority to destroy certain obsolete public records in possession of the Town of Sumpter.

Sec. 2.05.02 **Authority**

The Town Board of the Town of Sumpter, Sauk County, Wisconsin, has the specific authority under sec. 19.21(4), Wis. Stats., to manage and destroy obsolete public records in the Town's possession.

Sec. 2.05.03 **Financial Records**

The Town Officers, pursuant to sec. 19.21(4), Wis. Stats., may destroy the following financial non-utility records that have been kept for more than seven (7) years of which they are the legal custodians and that are considered obsolete:

- A. Routine Financial Reports
- B. Income Notification
- C. Bank Statements and Deposit Books
- D. Vendor Bills
- E. Payroll Records - Quarterly and Annual Reports
- F. Batch Reports

Sec. 2.05.04 **Utility Records**

The Town Officers, pursuant to sec. 19.21(4), Wis. Stats., may destroy the following utility records that have been kept for more than two (2) years of which they are the legal custodians and that are considered obsolete:

- A. Water stubs
- B. Receipts of current billings
- C. Customer ledgers of any municipal utilities

Sec. 2.05.05 **Other Records**

The Town Officers, pursuant to sec. 19.21(4), Wis. Stats., may destroy the following records that have been kept for more than seven (7) years of which they are the legal custodians and that are considered obsolete:

- A. Election Records
- B. Licenses and Permits
- C. Operator Licenses
- D. General Correspondence

Sec. 2.05.06 **Time Period**

The time period for any Town public record that must be kept is seven (7) years, except that water stubs, receipts of current billings, and customer's ledgers of any municipal utility may be kept for not less than two (2) years, and any other records having a different retention period provided by statute should be kept for the specified time period.

Sec. 2.05.07 **Historical Society Notification**

Prior to the destruction of any public record described in Sections 2.05.03, 2.05.04, or 2.05.05, at least sixty (60) days notice in writing shall be given to the State Historical Society of Wisconsin, and the local Historical Society.

Sec. 2.05.08 **Penalty Provisions**

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Chapter, shall, upon conviction, pay a forfeiture of not less than

\$10.00 nor more than \$50.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this Chapter. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

Sec. 2.05.09 **Construction**

This Chapter shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative rules.

CHAPTER 2.06 ASSESSING COSTS FOR SPECIAL MEETING REQUESTS

Sec. 2.06.01	Purpose
Sec. 2.06.02	Special Meeting Costs
Sec. 2.06.03	Notice

Sec. 2.06.01 **Purpose**

The purpose of this Chapter is to provide reimbursement to the Town of Sumpter for costs incurred in holding a special Town Board or committee meeting at the request of an individual or business.

Sec. 2.06.02 **Special Meeting Costs**

If a Town resident, landowner, or any other interested party contacts the Town Clerk, Chairman, or one of the Supervisors to request a special Town Board or committee meeting, the individual or business requesting the meeting shall be responsible for any costs the Town of Sumpter may incur in holding the special meeting. The costs shall include the meeting fees and related mileage for the Town of Sumpter Chairman, Town Supervisors, Town Clerk, Town legal counsel, Town Engineers, and any other individuals the Town may need to have present at this meeting as well as any costs incurred to properly post the meeting. Costs for the meeting shall be paid to the Town Clerk prior to the posting of the meeting.

Sec. 2.06.03 **Notice**

The Town Clerk shall properly notice the meeting and notify Board members. Any special meeting of the Town Board of Sumpter shall be in compliance with the notice and agenda requirements of secs. 19.82 and 19.84, Wis. Stats.

TITLE 3. PUBLIC SAFETY

Chapter 3.01 [RESERVED]

CHAPTER 3.01 [RESERVED]

TITLE 4. PUBLIC WORKS AND PARKS

Chapter 4.01 [RESERVED]

CHAPTER 4.01 [RESERVED]

TITLE 5. PUBLIC UTILITIES

Chapter 5.01 [RESERVED]

CHAPTER 5.01 [RESERVED]

TITLE 6. HEALTH AND SANITATION

Chapter 6.01 Recycling

CHAPTER 6.01 RECYCLING

Sec. 6.01.01	Title
Sec. 6.01.02	Purpose
Sec. 6.01.03	Statutory Authority
Sec. 6.01.04	Abrogation and Greater Restrictions
Sec. 6.01.05	Interpretation
Sec. 6.01.06	Applicability
Sec. 6.01.07	Administration
Sec. 6.01.08	Definitions
Sec. 6.01.09	Separation of Recyclable Materials
Sec. 6.01.10	Separation Requirements Exempted
Sec. 6.01.11	Care of Separated Recyclable Materials
Sec. 6.01.12	Management of Lead Acid Batteries, Major Appliances, Waste Oil, and Yard Waste
Sec. 6.01.13	Preparation and Collection of Recyclable Materials
Sec. 6.01.14	Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings
Sec. 6.01.15	Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties
Sec. 6.01.16	Prohibitions on Disposal of Recyclable Materials Separated for Recycling
Sec. 6.01.17	Enforcement

Sec. 6.01.01 **Title**

This Chapter is entitled Recycling Chapter for Town of Sumpter.

Sec. 6.01.02 **Purpose**

The purpose of this Chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in sec. 287.11, Wis. Stats., and ch. NR 544, Wis. Admin. Code.

Sec. 6.01.03 **Statutory Authority**

This Chapter is adopted as authorized under sec. 287.09(3)(b), Wis. Stats.

Sec. 6.01.04 **Abrogation and Greater Restrictions**

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall apply.

Sec. 6.01.05 **Interpretation**

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

Sec. 6.01.06 **Applicability**

The requirements of this Chapter apply to all persons within Town of Sumpter.

Sec. 6.01.07 **Administration**

The provisions of this Chapter shall be administered by Town of Sumpter.

Sec. 6.01.08 **Definitions**

- A. For purposes of this Chapter, the following definitions shall apply:
- (1) Bi-metal container. A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
 - (2) Container board. Corrugated paperboard used in the manufacture of shipping containers and related products.
 - (3) Foam polystyrene packaging. Packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- (a) Is designed for serving food or beverages.
 - (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (4) Glass Container. A glass bottle, jar, or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat resistant glass such as Pyrex®, lead based glass such as crystal, or TV tubes.
 - (5) HDPE. High-density polyethylene, labeled by the SPI code # 2.
 - (6) LDPE. Low-density polyethylene, labeled by the SPI code # 4.
 - (7) Magazines. Magazines and other materials printed on similar paper.
 - (8) Major appliance. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.
 - (9) Multiple-family dwelling. A property containing five (5) or more residential units, including those which are occupied seasonally.
 - (10) Newspaper. A newspaper and other materials printed on newsprint.
 - (11) Non-residential facilities and properties. Commercial, retail, industrial, institutional, and government facilities and properties. This term does not include multiple family dwellings.
 - (12) Office paper. High-grade printing and writing papers from offices in non- residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
 - (13) Other resins or multiple resins. Plastic resins labeled by the SPI code # 7.
 - (14) Person. Includes any individual, corporation, partnership, association, local government unit, as defined in sec. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

- (15) PETE or PET. Polyethylene terephthalate, labeled by the SPI code # 1.
- (16) Plastic container. An individual, separate, rigid plastic bottle, can, jar, or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (17) Postconsumer waste. Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in sec. 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in sec. 289.01(17), Wis. Stats.
- (18) PP. Polypropylene, labeled by the SPI code # 5.
- (19) PS. Polystyrene, labeled by the SPI code # 6.
- (20) PVC. Polyvinyl chloride, labeled by the SPI code # 3.
- (21) Recyclable materials. Includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (22) Solid waste. As defined in sec. 289.01(33), Wis. Stats.
- (23) Solid waste facility. As defined in sec. 289.01(35), Wis. Stats.
- (24) Solid waste treatment. Any method, technique, or process which is designed to change the physical, chemical, or biological character or composition of solid waste.
- (25) Treatment. Includes incineration.
- (26) Waste tire. A tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- (27) Yard waste. Leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

Sec. 6.01.09 **Separation of Recyclable Materials**

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings, and non-residential facilities and properties shall separate the following materials from postconsumer waste:

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

Sec. 6.01.10 **Separation Requirements Exempted**

The separation requirements of Section 6.01.09 do not apply to the following:

- A. Occupants of single family and (two) 2 to four (4) unit residences, multiple-family dwellings, and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 6.01.09 from solid waste in as pure a form as is technically feasible. Solid waste which is burned as a supplement fuel at a

facility if less than thirty (30 %) of the heat input to the facility is derived from the solid waste burned as supplement fuel. A recyclable material specified in Sections 6.01.09(E) through (O) for which a variance has been granted by the Department of Natural Resources under sec. 287.11(2m), Wis. Stats., or sec. NR 544.14, Wis. Admin. Code.

Sec. 6.01.11 **Care of Separated Recyclable Materials**

To the greatest extent practicable, the recyclable materials separated in accordance with Section 6.01.09 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

Sec. 6.01.12 **Management of Lead Acid Batteries, Major Appliances, Waste Oil, and Yard Waste**

The Town of Sumpter does not accept lead acid batteries, major appliances, waste oil, or yard waste. Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings, and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste consistent with state law. It is recommended that:

- A. Lead acid batteries be returned to the retailer whom sold the replacement battery or to another retailer or commercial installer of motor vehicle batteries.
- B. Major appliances be returned to the appliance dealer whom sold the replacement appliance or deposited with a facility registered with the Wisconsin Department of Natural Resources to salvage or transport such appliances. Residents may also contact Sauk County Solid Waste Department for proper disposal options.
- C. Waste oil be dropped at an authorized waste oil facility.
- D. Yard waste be recycled on the site from which it was produced or deposited at a composting facility licensed by the Wisconsin Department of Natural Resources. Yard waste shall not be delivered to any solid waste disposal facility.

Sec. 6.01.13 **Preparation and Collection of Recyclable Materials**

To the greatest extent practicable, and except as otherwise directed by Town of Sumpter, occupants of single family and two (2) to four (4) unit residences shall keep the separated materials specified in Sections 6.01.09(E) through (O) free of visible residues of food or other products, oil or grease, or other non-recyclable materials. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

Sec. 6.01.14 **Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings**

- A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Sections 6.01.09(E) through (O):
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.
- B. The requirements specified in Section 6.01.14(A) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sections 6.01.09(E) through (O) from solid waste in as pure a form as is technically feasible.

Sec. 6.01.15 **Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties**

- A. Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Sections 6.01.09 (E) through (O):
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants, and occupants and the delivery of the materials to a recycling facility.
 - (4) Notify users, tenants, and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.
- B. The requirements specified in Section 6.01.15(A) do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 6.01.09(E) through (O) from solid waste in as pure a form as is technically feasible.

Sec. 6.01.16 **Prohibitions on Disposal of Recyclable Materials Separated for Recycling**

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 6.01.09(E) through (O) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Sec. 6.01.17 **Enforcement**

- A. For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee, or representative of the Town of Sumpter may inspect recyclable materials separated for recycling,

postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings, and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee, or authorized representative of Town of Sumpter who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

- B. Any person who violates a provision of this Chapter may be issued a citation by Town of Sumpter 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 violating this Chapter may be assessed as follows:
 - (1) Any person who violates Section 6.01.16 may be required to forfeit fifty (\$50) dollars for a first violation, two hundred (\$200) dollars for a second violation, and not more than two thousand (\$2,000) dollars for a third or subsequent violation.
 - (2) Any person who violates a provision of this Chapter, except Section 6.01.16, may be required to forfeit not less than ten (\$10) dollars or more than one thousand (\$1,000) dollars for each violation.

TITLE 7. LICENSING AND REGULATION

Chapter 7.01	Building Code
Chapter 7.02	Driveway permits
Chapter 7.03	Manufactured and Mobile Home, Camping and Temporary or Seasonal Residence Regulations
Chapter 7.04	Animal License Fees
Chapter 7.05	Outdoor Furnace Permits

CHAPTER 7.01 BUILDING CODE

Sec. 7.01.01	Title and Purpose
Sec. 7.01.02	Definitions
Sec. 7.01.03	Building Inspector
Sec. 7.01.04	Wisconsin Uniform Dwelling Code Adopted; Scope
Sec. 7.01.05	Wisconsin Commercial Building Code Adopted; Scope
Sec. 7.01.06	Wisconsin Plumbing Code Adopted; Scope
Sec. 7.01.07	Building Permit Required
Sec. 7.01.08	Building Information Permit Required
Sec. 7.01.09	Permit Administration
Sec. 7.01.10	Penalties

Sec. 7.01.01 Title and Purpose

This Chapter may be referred to as the Town of Sumpter Building Code Chapter. The purpose of this Chapter is to promote the general health, safety, and welfare of the public and to maintain local uniformity with the administrative and technical requirements of Wisconsin's building codes.

Sec. 7.01.02 Definitions

- A. For purposes of this Chapter, the following definitions shall apply:
- (1) **Building.** Any building or structure and any installation constructed, reconstructed, remodeled, enlarged, altered, removed, or demolished for any use within the Town, including but not limited to one (1) and two (2) family dwellings, manufactured homes, mobile homes, temporary or seasonal dwellings, garages, agricultural structures, outbuildings, and commercial buildings.

- (2) Owner. Any person having a legal or equitable interest in a building. Owner does not include any person whose legal or equitable interest in a building is a security interest derived solely from the extension of credit to permit construction or remodeling of the building or purchase of the building by a third party.

Sec. 7.01.03 **Building Inspector**

The Town Board establishes the position of Building Inspector to be filled by appointment of the Town Board. The Building Inspector shall be certified by the Department of Safety and Professional Services, and is hereby authorized and directed to administer and enforce all the provisions of the Town of Sumpter Building Code Chapter within the Town. The Building Inspector or its other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, UDC Plumbing, and Commercial Building Inspector.

Sec. 7.01.04 **Wisconsin Uniform Dwelling Code Adopted; Scope**

The Wisconsin Uniform Dwelling Code, Chapters SPS 320-325 of the Wis. Admin. Code, is adopted and incorporated by reference and shall apply to all one (1) and two (2) family dwellings, adult-family homes, community based residential facilities, manufactured homes, structures attached to dwellings, and other structures as set forth in sec. SPS 320.02, Wis. Admin. Code.

Sec. 7.01.05 **Wisconsin Commercial Building Code Adopted; Scope**

The Wisconsin Commercial Building Code, Chapters SPS 361-366 of the Wis. Admin. Code, is adopted and incorporated by reference and shall apply to all public buildings and places of employment as set forth in sec. SPS 361.02, Wis. Admin. Code, subject to the exceptions provided therein.

Sec. 7.01.06 **Wisconsin Plumbing Code Adopted; Scope**

The plumbing regulations, Chapters 380-387 of the Wis. Admin. Code and Chapter 145 of the Wis. Stats., are adopted and incorporated by reference and shall apply to the installation of all plumbing installed, altered, or repaired in the Town as set forth in such plumbing regulations.

Sec. 7.01.07 **Building Permit Required**

- A. If a person either alters a building in excess of one thousand (\$1,000) dollars in value in any twelve month period, adds onto a building in

excess of one thousand (\$1,000) dollars in any twelve month period, or builds or installs a new building, and the building is subject to any of the building code regulations adopted above, then the Owner shall first obtain a building permit for such work from the Building Inspector.

- B. Exceptions. A Building Permit shall not be required for any of the following:
- (1) The restoration or repair of building equipment, such as furnaces, central air conditioners, water heaters, and similar mechanical equipment, provided that no structural changes, re-construction, additions, or extensions to the building or structure are required;
 - (2) Re-siding, re-roofing, re-flooring or carpeting, finishing of interior surfaces, or installation of cabinetry.

Sec. 7.01.08 Building Information Permit Required

- A. If a building permit is not required under this Chapter, then an Owner shall obtain a Building Information Permit from the Town Clerk prior to commencing any construction, installation, alteration, remodel, addition, removal, or demolition of any building or structure within the town.
- B. Exceptions. A Building Information Permit shall not be required for any of the following:
- (1) The restoration or repair of building equipment, such as furnaces, central air conditioners, water heaters, and similar mechanical equipment, provided that no structural changes, re-construction, additions, or extensions to the building or structure are required.
 - (2) Additions, remodeling, re-construction, enlargement, or alterations to buildings when the cost of the work, including labor, is less than one thousand (\$1,000) dollars within a twelve (12) month period.
 - (3) Re-siding, re-roofing, re-flooring or carpeting, finishing of interior surfaces, or installation of cabinetry.
 - (4) Buildings or structures owned by the Town.
 - (5) Fences or similar enclosures.
- C. A Building Information Permit is not a building permit, and does not relieve the Owner of any other building permit requirements or other permit requirements that may be apply under state law or county or Town ordinances, such as county sanitary permits or Town driveway permits.

Sec. 7.01.09 **Permit Administration**

- A. The fees for the permits required under this Chapter shall be determined by resolution of the Town Board.
- B. The Town Board shall approve by resolution a Town Building Information Permit form and shall designate the person or persons authorized to issue a Building Information Permit. The Building Information Permit shall include, but is not limited to:
 - (1) Information as to building location;
 - (2) Applicable setbacks;
 - (3) Locations of proximate wells, septic, and sewer;
 - (4) Square footage;
 - (5) And type of construction.
- C. The Building Inspector is authorized to issue citations with respect to violations of this Chapter.

Sec. 7.01.10 **Penalties**

Any person who fails to comply with the provisions of this Chapter, including those provisions incorporated herein by reference, shall pay a forfeiture of not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall constitute a separate offence under this Chapter.

CHAPTER 7.02 DRIVEWAY PERMITS

Sec. 7.02.01	Purpose
Sec. 7.02.02	Jurisdiction
Sec. 7.02.03	Authority
Sec. 7.02.04	Definitions
Sec. 7.02.05	Application Requirements and Procedures
Sec. 7.02.06	Plan Requirements
Sec. 7.02.07	Specifications for Driveway Location Plans
Sec. 7.02.08	Specifications For Driveway Construction Plans
Sec. 7.02.09	Approval For Driveway Construction Permits
Sec. 7.02.10	Specifications For Constructing Driveways
Sec. 7.02.11	Existing Driveways
Sec. 7.02.12	Penalties
Sec. 7.02.13	Establishing Fees For Driveway Construction Permits

Sec. 7.02.01 **Purpose**

The purpose of this Chapter is to regulate the establishment, construction, improvement, modification, or reworking of a driveway to assure that the site, method of construction, and conservation practices used will promote the public health, safety, and general welfare of the community, and to enforce the goals and policies set forth in the Town of Sumpter Land Use Plan.

Sec. 7.02.02 **Jurisdiction**

Jurisdiction of these regulations shall include all driveways on land within the Town of Sumpter. Except as provided in Section 7.02.11 existing driveways that undergo repairs involving changes to the existing grade, re-routing, or increased use (to serve an additional house, dwelling unit, or material increase in business) are subject to the provisions of this Chapter. The provisions of this Chapter do not apply to field roads.

Sec. 7.02.03 **Authority**

These regulations are adopted under the general police powers authority granted pursuant to secs. 60.10(2)(c), 60.22(3), and 61.34(1), Wis. Stats., and under the controlled access highway power granted pursuant to secs. 83.027(10) and 84.25(10), Wis. Stats.

Sec. 7.02.04 **Definitions**

- A. For purposes of this Chapter, the following definitions shall apply:
- (1) Agricultural Access Driveway. A private driveway, road, or other avenue of travel that runs through any part of a private parcel of land that connects with any public roadway, that is used for the sole purpose of providing roadway access to agricultural buildings, fields, or other agricultural areas.
 - (2) Agricultural Land. Any land within the Town of Sumpter that has been, is, or could be farmed, including cropland and pastureland, or land that is included in a government set-aside program or that is protected under the agriculture policies described in the Town of Sumpter Land Use Plan.
 - (3) Bluffs. The bluff areas in the region, also known as the Baraboo Bluffs and Baraboo Hills, include all lands that are designated as protected on the Sauk County Baraboo Range Protection Program map as well as lands that are designated in the Town Land Use Plan and maps as Bluff Vista Conservation Area.
 - (4) Driveway. A private driveway, road, or other avenue of travel that runs through any part of a private parcel of land and connects with any public roadway, and will provide service to a residence or business, except agricultural access driveways.
 - (5) Field Road. A road that does not connect with a public roadway and lies outside the right-of-way of a public roadway.
 - (6) Grade. The change on elevation over a distance of a minimum of fifty (50) feet.
 - (7) Town Building Inspector/Engineer. The individual(s) and/or agent(s) hired by the Town Board to act in these capacities.

Sec. 7.02.05 **Application Requirements and Procedures**

- A. Who Must Apply. Any person or entity wishing to establish, construct, improve, modify, or re-route a driveway that changes the existing grade of the land or any driveway, or increases the use for access to an additional dwelling, dwelling unit, or significant increase in business, must first obtain a Driveway Construction Permit from the Town Board.

- B. Application Forms. The Town Board shall approve an application form for Driveway Construction Permits. This is available from the Town Building Inspector/Engineer and the Town Clerk.
- C. Sketch Map. Applicants are encouraged to submit a rough sketch map of the conceptual idea of the project, approximate location and dimensions to the Plan Commission prior to preparing or submitting an application for the Plan Commission to provide initial comments. However, formal approval for a Driveway Construction Permit will not be granted without submitting a complete application and supporting documents package.
- D. Application and Supporting Documents Package. The person or entity shall submit a completed Driveway Construction Permit Application with the appropriate fee and the following attachments to the Town Clerk at least fifteen (15) days prior to the next Plan Commission meeting. If no Plan Commission meeting is scheduled, the Town Clerk shall schedule a Plan Commission meeting to take place within the next thirty (30) days.
- (1) Site Map. Indicating the location and dimensions of the desired driveway and the parcels immediately adjacent to the applicant's property. The map shall be no smaller than one (1) inch = one hundred (100) feet scale, eleven (11) x seventeen (17) inches in total size or smaller and labeled with dimensions.
 - (2) Driveway Location Plan or Driveway Construction Plan as Required in Section 7.02.06. All applicants will need the Town Building Inspector/Engineer to view the driveway location to determine the grade and which plan is needed.
- E. Application Review. The Town Clerk shall forward the application to the Town Building Inspector who shall conduct an investigation regarding the application in accordance with this Chapter. The Building Inspector shall prepare a written report summarizing his or her investigation to the Plan Commission along with a recommendation to the Plan Commission for approval, approval with conditions, or disapproval. The Plan Commission shall consider the application and make a recommendation to the Town Board for approval, approval with conditions, or disapproval to the Town Board within thirty-five (35) days of its review of the application. The Town Board will act upon the application after reviewing the report and recommendation of the Building Inspector and the Plan Commission. If the Town Board does not receive a recommendation from the Plan Commission within sixty-five (65) days of the filing of the application with the Town Clerk, the Town Board may act without input from the Plan Commission.

- F. Permit Application Denial. If the Town Board denies two consecutive applications for a Driveway Construction Permit, the same applicant may not submit an application for a Driveway Construction Permit for the same parcel within three months of denial.
- G. Permit Period. The Driveway Construction Permit is effective for twelve (12) months from the date of issuance. The permit shall expire after these twelve (12) months unless renewed by the Town Board.
- H. Renewal. The permit may be renewed for one additional period of six (6) months by the Town Board.
- I. Driveway Inspection. The applicant shall notify the Town Building Inspector/Engineer within thirty (30) days of completing construction or modification. Within thirty (30) days of this notice, the Town Building Inspector/Engineer will inspect the driveway to ensure full compliance with all of the provisions of this Chapter.
- J. Building Permits. No Building Permit for new construction will be issued until the driveway is constructed according to the specifications of this Chapter. The only exception will be the final application of gravel or other approved surface that may occur after heavy equipment needed for building activities will no longer be used on the driveway. Roadway access for all vehicles, including during the construction phase, will only be allowed by use of the permitted driveway.
- K. Occupancy Permit. No occupancy permit for new residential construction shall be issued until the driveway is constructed according to the specifications of this Chapter and the Town Building Inspector/Engineer approves the final inspection.
- L. Application Fee. A non-refundable application fee of an amount determined by a resolution of the Town Board and specified in the Town's Fee Schedule shall be charged for each application.
- M. Other Fees. At the time of applying for a driveway permit, the applicant shall enter into an agreement with the Town to reimburse the Town for any fees incurred for work by its engineer, building inspector, or attorney, or other administrative costs, related to the application for a driveway permit. The applicant will also reimburse the Town within thirty (30) days for any damage caused to the Town road or road right-of-way for construction of the driveway.
- N. Responsibility For Costs. All costs of construction of said driveway, including permit fees, cost of culverts and various erosion controls and

surface water management measures, engineer's plan(s), inspection(s), if required, shall be paid by the property owner requesting the permit.

Sec. 7.02.06 **Plan Requirements**

- A. Driveway Location Plan. A Location Plan is required for all segments of the proposed driveway. All applicants will need the Town Building Inspector/Engineer to view the driveway location to determine the grade and whether a Location or Construction Plan is needed. The plan shall show the exact location of the driveway on the lot. However, driveways that require a Driveway Construction Plan shall include the exact location of the driveway on the lot in the Construction Plan and do not need a separate Location Plan.

- B. Driveway Construction Plan. A Driveway Construction Plan prepared by a licensed civil engineer or the Town's Engineer is required for the entire driveway when:
 - (1) Construction of a driveway or segment of a driveway requires disturbing land with an existing grade of twelve (12%) percent or more; or
 - (2) A driveway or segment of a driveway requires a retaining wall or other special erosion control measures as determined by the Town Board or Town Building Inspector/Engineer; or
 - (3) A driveway crosses a waterway or has the potential to significantly alter existing drainage patterns and/or quantity of runoff.

Sec. 7.02.07 **Specifications for Driveway Location Plans**

- A. A Driveway Location Plan will include:
 - (1) Location. The precise location of the driveway on the lot.
 - (2) Grade. A profile of the proposed driveway route before and after construction as prepared by the Town Building Inspector/Engineer
 - (3) Culvert. The location and size of any culverts as determined by the Town Building Inspector/Engineer to meet a minimum 25-year, 24-hour storm standard.
 - (4) Erosion Control Plan. The proposal shall describe plans and dates to re-seed, mulch, ditch, place culverts and carry out other erosion control practices. With the exception of seeding and vegetation, all

erosion controls shall be installed prior to land disturbance or at the appropriate stage of construction and shall remain in place until permanent vegetation is sufficiently established to effectively prevent erosion. Identify the type and location of erosion control measures including, but not limited to, flow diversion, silt fence, erosion bales, stone ditch checks, and measures to prevent tracking soil onto public roadways. See the Application Guide for an outline.

- B. Preparing a Driveway Location Plan does not guarantee the Town's approval of the Driveway Construction Permit Application.

Sec. 7.02.08 Specifications For Driveway Construction Plans

- A. If required, a Driveway Construction Plan will include a scale plan showing the following:
 - (1) Location. The precise location of the driveway on the lot.
 - (2) Grade. A profile of the proposed driveway route before and after construction.
 - (3) Retaining Walls. The location and structure of any retaining walls.
 - (4) Culverts. The location, size and design calculations of any culverts.
 - (5) Cross-section. Typical cross-sections of the driveway in cut and in fill.
 - (6) Storm Water Management. Drainage methods for the driveway engineered for the particular surface type, including location and dimensions of ditches, proper grading techniques, projected water handling capability, and water loads at the point of access to the public roadway.
 - (7) Erosion Control Plan. The proposal shall describe plans and dates to re-seed, mulch, ditch, place culverts and carry out other erosion control practices. With the exception of seeding and vegetation, all erosion controls shall be installed prior to land disturbance or at the appropriate stage of construction and shall remain in place until permanent vegetation is sufficiently established to effectively prevent erosion. Identify the type and location of erosion control measures including, but not limited to, flow diversion, silt fence, erosion bales, stone ditch checks, and measures to prevent tracking

soil onto public roadways. See the Application Guide for an outline.

(8) Other Documents. The Town may require other documents with the Driveway Construction Plan. Contact the Town Building Inspector/Engineer to determine if other documents are needed.

B. Preparing a Driveway Construction Plan does not guarantee the Town's approval of the Driveway Construction Permit Application.

Sec. 7.02.09 Approval For Driveway Construction Permits

A. Conditions. No construction of a driveway may commence until:

(1) The Driveway Location or Construction Plan is approved by the Town Board; and

(2) The Driveway Construction Permit is issued by the Town; and

(3) When applicable, any necessary approvals are obtained from Sauk County or the State of Wisconsin (See sec. 86.07, Wis. Stats.).

B. Disclaimer. The Town's approval of a Driveway Construction Permit Application does not constitute a determination that the driveway is safe, suitable for use, or otherwise passable for the public. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose.

Sec. 7.02.10 Specifications For Constructing Driveways

A. Dividing Agricultural Land. Driveway construction shall have the least substantial adverse impact on agricultural land. Applicants shall construct driveways that follow lot lines to preserve agricultural lands.

B. Forested Areas. Driveway construction shall minimize breaks in forest canopy.

C. Access Limits. There shall be no more than one (1) driveway for any given buildable parcel of land. Upon application, the Town Board may, by special permit, allow an additional driveway where the landowner shows satisfactory evidence that the same is necessary because of existing natural barriers or some other special condition of the land.

D. Agricultural Access Driveway. The Town Board may allow more than one agricultural access driveway for any given parcel for the purpose of

attaining necessary access to agricultural buildings, fields, and other agricultural uses. In addition to this Chapter, the agricultural access driveway is subject to the Sauk County permit process.

- E. Agricultural Access Driveway Construction Requirements. The same construction requirements listed in this Chapter are required for all agricultural access driveways. Exceptions to these requirements may be listed in the Application Guide.
- F. Shared Driveways. All driveways shall be shared when possible, especially when homes are clustered. Shared access shall be limited to provide access to no more than three (3) single-family residences. Any driveway proposed for joint use shall be required to have recorded multi-party access easements, and maintenance agreements that include escrow accounts or performance bonds.
- G. Grade. Proposed driveways on land with an existing grade between twelve (12%) percent and twenty (20%) percent shall be closely reviewed. No land with an existing grade of twenty (20%) percent or more shall be disturbed to construct, establish, improve, modify, or re-work a driveway, except that, under extraordinary circumstances, the Town Board may permit development on land with grades equal to or greater than twenty (20%) only if all minimum environmental criteria are met, and a special public hearing has been held to assess the effects of the specific property on surrounding property owners.
Minimum environmental criteria include:
 - (1) At least sixty (60%) percent of each building lot shall remain undisturbed and in its natural state. Existing trees and vegetation on the undisturbed portion shall not be removed by the development.
 - (2) Plans and design calculations acceptable to the Town Building Inspector/Engineer are submitted for retaining walls and other erosion control measures for each lot.
 - (3) Lots large enough so that no buildings or driveways shall be constructed on or through land with existing grades of twenty (20%) percent or greater while maintaining normal building setbacks.
 - (4) The soils shown on the Sauk County Soil Survey Map for the land have no more than a "slight" erosion hazard potential as determined by the Soil Conservation Service.

- (5) The soil limitations for dwellings with basements, local streets and roads, and septic tanks shall be no greater than “moderate” as determined by the Soil Conservation Service.
 - (6) Such special studies of soils, slope stability, storm water runoff, erosion, and safety as have been requested by the Plan Commission, Town Board, or Town Building Inspector/Engineer having been conducted by the applicant and presented to the Town Board prior to official submittal of the preliminary plat.
 - (7) The Town Board may establish additional criteria.
 - (8) For any driveway allowed on land with a slope equal to or greater than twenty (20%) percent, the applicant shall place a deed restriction or easement containing provisions necessary to implement these environmental criteria. The deed restriction or easement shall be in a form approved by the Town.
- H. Maximum Finished Grade. The maximum finished driveway grade shall not be greater than thirteen (13%) percent, except that the grade of the proposed driveway within one hundred (100) feet of the homestead or a structure shall not exceed three (3%) percent.
- I. Radius of Curves. Driveway curves shall have an inside radius of no less than thirty-six (36) feet.
- J. Visibility From The Roadway. Driveways shall be so located as to not create a safety hazard for vehicles traveling on the roadway or exiting and entering the property. The Town Building Inspector/Engineer, using good engineering practice, shall determine the permitted location for driveways with consideration given to the roadway’s classification, topography, and posted travel speed. The near edge of a driveway shall be at least one hundred (100) feet from public roadway intersections measuring from the property line where the driveway intersects the road right-of-way. If the property abuts more than one roadway, the driveway should access the roadway with the least traffic volume. Vision triangles requirements set forth in Exhibit A shall be met in all cases.
- K. Juncture With Public Roadway. The angle between the centerline of the driveway and the centerline of the roadway shall be no less than seventy (70) degrees.
- (1) A length of driveway of a minimum of twelve (12) feet shall have a maximum of five (5%) grade at the point where the driveway enters onto a public roadway. A slight dip across the drive shall be

placed just before the culvert at the entrance to a public roadway to prevent debris from washing onto the public roadway.

- (2) Any pavement in the right-of-way, whether new, resurface, or replacement may be required to be replaced at the owner's expense when it causes a safety or drainage problem.

L. Culverts. Each driveway shall have installed a culvert at the ditch line where the driveway meets the public roadway, unless the Town Building Inspector/Engineer determines it is not necessary. Culverts shall be installed prior to construction work being commenced on the property. All culverts shall be constructed of material acceptable to the Town Building Inspector/Engineer. Culverts shall be sufficient gauge or schedule to provide adequate bearing capacity for vehicles expected to use the driveway as determined by the Town Building Inspector/Engineer.

- (1) Minimum Size. Culverts shall be a minimum of twenty (20) feet in length, and shall be no smaller than fifteen (15) inches in diameter, or equivalent, to meet a minimum 25-year, 24-hour storm standard. Larger culverts may be required by the Town Building Inspector/Engineer where needed to accommodate the area's water drainage.
- (2) Placement. Culverts shall be placed in the ditch line at elevations as set by the Town Building Inspector/Engineer so as to adequately convey water and assure proper drainage.
- (3) Endwalls. All culverts shall have flare endwall sections so backfill and cover material will not erode the bottom of the ditch and reduce the capacity of the ditch and culvert. Endwalls or abutments constructed of timber or similar material are prohibited.
- (4) Backfill and Cover Material. Culverts shall be bedded and backfilled with granular material, compacted in place, or other material acceptable to the Town Building Inspector/Engineer. The minimum cover, measured from the top of the pipe to the top of the subgrade material, shall be six (6) inches.
- (5) Gauge/Schedule. The minimum wall thickness for corrugated metal culverts or HDPE (high density polyethylene) plastic pipe shall be:

(a)	<u>Metal Pine Diameter</u>	<u>Gauge</u>
	15 to 24 inch	16
	30 to 36 inch	14

42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

(b)	<u>HDPE Plastic Pine Diameter</u>	<u>Schedule</u>
	15 inch	.035 inch
	18 inch and greater	.050 inch

- M. Drainage. Ditches along the right-of-way, roadway crowning, and culverts shall be provided by the landowner for acceptable drainage. The driveway shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto a public roadway and/or the lands of other landowners.
- N. Natural Drainage Patterns. Construction of driveways shall not interfere with the natural drainage patterns. Natural drainage crossings shall be rip-rapped or otherwise stabilized below drainage and culvert discharge points for a distance sufficient to carry the discharge water without channel erosion.
- O. Align Along Natural Terrain. Grading for driveway construction will be required to preserve or match the natural contours of the site. Driveway alignment should follow the natural terrain. Grading should attempt to retain existing trees and other natural vegetation to stabilize hillside cuts. The maximum grade of cut and fill slopes shall be three (3) horizontal to (1) vertical. The top and toe of the slopes shall be rounded to avoid additional erosion.
- P. Retaining Walls. Any cut and fill slopes greater than three (3) to one (1) will require constructing a retaining wall, rip-rapping, or similar soil stabilization technique. Erosion control measures must be planted promptly with permanent vegetation to reduce soil erosion.
- Q. Side Slopes. Driveway side slopes shall be a minimum of four (4) feet on each side with a slope no steeper than one (1) foot vertical in four (4) feet horizontal (25 percent).
- R. Ditch Back Slopes. Ditch back slopes shall be no steeper than one (1) foot vertical in two (2) feet horizontal (50 percent).
- S. Driveway Length. Any driveway longer than one hundred fifty (150) feet long shall be built to the following standards:
- (1) Roadway surface width – sixteen (16) feet

- (2) Roadway surface thickness - eight (8) inch compacted crushed aggregate
 - (3) Shoulder width - two (2) feet each side
 - (4) Shoulder surface thickness - four (4) inch crushed aggregate
 - (5) Maximum finished grade - eleven (11%) percent
 - (6) Minimum structure design loading - H 15
 - (7) Maximum shoulder side slope - 4:1
 - (8) Maximum ditch back slope - 2:1
 - (9) Clear roadway width for structures - twenty-four (24) feet
- T. Driveway Width. Driveways shall be sixteen (16) feet wide or greater whenever possible; however, no driveway shall be greater than twenty (20) feet wide.
- U. Clear Space. A clear space fourteen (14) feet high and eighteen (18) feet wide shall be maintained at all times for emergency vehicle access.
- V. Turnarounds and Cul de Sacs. Turnaround areas or cul de sacs shall be provided for all driveways within seventy-five (75) feet of the house, no matter the driveway length. Turnaround areas shall be tees with minimum dimensions of thirty (30) feet long by twenty (20) feet wide. Cul de sacs shall have a minimum radius of sixty (60) feet. The Town Board may consult with emergency service providers and require additional specifications should conditions present additional safety concerns.
- W. Emergency Service Access Signage. Appropriate signage shall be placed at the entrance to a driveway servicing a residence so emergency service personnel can accurately and expediently locate the driveway. The sign shall conform to current Sauk County regulations.
- X. Minimum Driveway Surface. Driveways shall have a firm surface capable of supporting cars and emergency vehicles under all weather conditions. Such surfaces may include asphalt, concrete, compacted gravel at least six (6) inches in depth, unless specified otherwise in this Chapter, or other granular material approved by the Town Building Inspector/Engineer. The gravel or rock must be of a road construction-surface grade. The driveway must be maintained in a condition that complies with these specifications. A field road is exempt from this provision.

- Y. Excavation For Fill. With the approval of the Town Board, the Driveway Construction Permit may allow excavation at the site to provide fill for the proposed driveway.
- Z. Restoring Roadways and Disturbed Surfaces. All public roadway surfaces and right-of-ways, shoulders, curbs, ditches, slopes, and vegetation disturbed during driveway construction shall be restored to original conditions within thirty (30) days of completing the driveway or before the Town will issue an occupancy permit.
- AA. Waiver of Specifications. The Town Board may waive or modify any of the above specification(s) if the specification(s) is unnecessary to fulfill the purpose of this Chapter. Any request by an applicant for a waiver or modification of any provision in this section must accompany the initial application and must state the reason for the request. The Town Board must submit a written and signed statement detailing the reasons for waiving the specification(s) and attach it to the permit.

Sec. 7.02.11 Existing Driveways

- A. Hazardous Conditions. When washing or other conditions created by existing driveways or agricultural access driveways that do not meet the specifications in this Chapter obstruct or become a potential hazard to a public roadway, or unreasonably hinder access to the property by emergency service personnel, the Town Board shall notify the property owner of the condition(s). Any property owner failing to correct such condition(s) within thirty (30) days after notice by the Town Board shall be subject to the penalties described in the penalties section of this Chapter and shall also be liable for any costs the Town incurs to eliminate the hazard as provided in sec. 66.0627(2), Wis. Stats.
- B. Change In Use. No field road or agricultural access driveway may be used as a driveway to acquire access to a residential or commercial property unless the field road or agricultural access driveway has been approved as a driveway according to the provisions of this Chapter.

Sec. 7.02.12 Penalties

- A. Forfeitures. Should a driveway be constructed or modified in violation of the provisions of this Chapter, or create a hazard that is not corrected within thirty (30) days of notification, or such other time as determined by the Town Board, the owner(s) of the land through which the driveway passes shall pay a forfeiture of not less than one hundred (\$100.00) dollars nor more than two hundred (\$200.00) dollars plus applicable surcharges

and court costs, for each violation. Each day the violation continues to exist shall constitute a separate offense and subject to another penalty, after expiration of the notice period. An unlawful driveway constitutes a public nuisance and may be enjoined.

- B. Corrections. In addition, the landowner shall make the corrections ordered by the Town Board within a period of time determined by the Town Board, but not less than ten (10) days.
- C. Special Charge For Correction By Town. If the owner(s) of the land through which the driveway passes doesn't make required corrections ordered by the Board that affect a public roadway or right-of-way within the specified time period, the Town Board shall cause the required corrections to be made and charge the cost of correcting such violations, including, when necessary, the return of disturbed land to its original condition. The Town's direct and indirect costs of correcting the violation, including but not limited to engineering, legal, administrative, materials, and construction expenses shall be imposed as a special charge against the property through which the driveway passes pursuant to sec. 66.0627, Wis. Stats. Any funds escrowed with the Town shall be disbursed to the Town in partial compensation for its above costs.

Sec. 7.02.13 **Establishing Fees For Driveway Construction Permits**

- A. A non-refundable fee of one hundred (\$100.00) dollars shall be charged for each driveway permit application. Said fee shall include two inspections by the Town Building Inspector/Engineer.
- B. Additional Inspections. If in the Town Building Inspector/Engineer's opinion or the Town Board's opinion, additional inspections are required, an additional fee of seventy-five (\$75.00) dollars per inspection shall be charged.

CHAPTER 7.03 MANUFACTURED AND MOBILE HOME, CAMPING AND TEMPORARY OR SEASONAL RESIDENCE REGULATIONS

Sec. 7.03.01	Title
Sec. 7.03.02	Purpose
Sec. 7.03.03	Authority
Sec. 7.03.04	Definitions
Sec. 7.03.05	Maintenance and Habitability
Sec. 7.03.06	Temporary and Mobile Home Dwellings Outside Manufactured and Mobile Home Communities
Sec. 7.03.07	Manufactured and Mobile Home Communities
Sec. 7.03.08	Campgrounds
Sec. 7.03.09	General License and Permit Provisions
Sec. 7.03.10	Penalty Provisions

Sec. 7.03.01 Title

This Chapter is entitled the Town of Sumpter Manufactured and Mobile Home, Camping and Temporary or Seasonal Residence Chapter.

Sec. 7.03.02 Purpose

The purpose of this Chapter is to regulate by license or permit the installation, maintenance, and parking of mobile homes, manufactured homes, recreational mobile homes, and camping units in the Town, the installation, construction, and maintenance of temporary or seasonal dwellings in the Town, and the construction, installation, operation, and maintenance of manufactured and mobile home parks and campgrounds in the Town to allow the Town to monitor the development of property within the Town in order to assure the proper assessment and taxation of and assessment of fees upon property within the Town and to assure the provision of fire and other emergency services to residents within the Town.

Sec. 7.03.03 Authority

The Town Board has the specific authority under secs. 66.0119, 66.0435, 101.645 (101.60), and 101.935, Wis. Stats., and the Town's village powers under sec. 60.22(3), Wis. Stats., to adopt and enforce this Chapter.

Sec. 7.03.04 Definitions

- A. For purposes of this Chapter, the following definitions shall apply:
- (1) Campground. Any parcel or tract of land in the Town owned by a person, the state, or a local government, that is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or by one (1) to three (3) camping units if the parcel or tract of land is represented as a campground.
 - (2) Camping unit. Any portable device, no more than four hundred (400) square feet in area, used in the Town as a temporary or seasonal dwelling, including, but not limited to, a camping trailer, motor home, recreational mobile home, bus, van, truck, or tent.
 - (3) Closed construction. Any building, building component, assembly, or system manufactured in such a manner that it cannot be inspected before installation at the building site without disassembly, damage, or destruction.
 - (4) Manufactured and mobile home community. Any plot or plot of grounds upon which three (3) or more manufactured homes, or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether a charge is made for the accommodation.
 - (5) Manufactured dwelling. Any structure or component of a structure that is intended for use as a dwelling and is any of the following:
 - (a) Of closed construction that is fabricated or assembled on site or off site in manufacturing facilities for installation, connection, or assembly and installation at the building site; or
 - (b) Of open construction that is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer.
 - (c) Manufactured dwelling does not include any of the following:
 - (i) A building of open construction that is not subject to Section 7.03.04(A)(5)(a).
 - (ii) A single or double width manufactured home or mobile home.
 - (iii) A camping unit.

- (6) Manufactured home. Manufactured home has the meaning given in sec. 101.91(2), Wis. Stats., and includes any additions, attachments, annexes, foundations, and appurtenances.
- (7) Mobile home. Mobile home has the meaning given in sec. 101.91(10), Wis. Stats., and includes any additions, attachments, annexes, foundations, and appurtenances.
- (8) Motor home. A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.
- (9) Open construction. Any building, building component, assembly, or system manufactured in such a manner that it can be readily inspected at the building site without disassembly, damage, or destruction.
- (10) Recreational mobile home. Recreational mobile home means a prefabricated structure that is no larger than four hundred (400) square feet, or that is certified by the manufacturer as complying with the code promulgated by the American National Standards Institute as ANSI A119.5, and that is designed to be towed and used primarily as temporary living quarters for recreational, camping, travel, or seasonal purposes.
- (11) Temporary or seasonal dwelling. Any dwelling, cabin, shack, cottage, manufactured home, manufactured dwelling, mobile home, recreational mobile home, camping unit, or similar structure constructed, installed, parked, or maintained on a parcel of land in the Town for temporary or seasonal human habitation, sleeping, lodging, shelter, or living quarters for recreation, camping, hunting, fishing, or travel on a temporary or seasonal basis. Temporary or seasonal dwelling does not include any of the following:
 - (a) A structure or dwelling unit that has proper and lawful septic or sewage, water, and electrical connections attached to the dwelling to properly service the projected occupants.
 - (b) A manufactured dwelling, mobile home, manufactured home, or camping unit that is used for permanent and year-round habitation, sleeping, lodging, shelter, or living quarters.
 - (c) Any hotel, tourist rooming house, motel, inn, or bed and breakfast establishment as defined in sec. 254.61, Wis. Stats.

- (d) Any structure or dwelling constructed or installed and in compliance with the One- and 2-Family Dwelling Code, subch. II of ch. 101, Wis. Stats.
- (e) A multi-family dwelling unit, including any apartment, town house, condominium, row house, nursing home, jail, prison, or community-based residential facility that has installed, conducted, and maintained sufficient and proper and lawful septic or sewage, water, and electrical connections to properly service the projected occupants of these facilities, as determined in writing by the Town Board, and with sufficient and proper minimum sleeping room square footage and total square footage to properly service the projected occupants as determined by the Town Board or its designee.

Sec. 7.03.05 Maintenance and Habitability

- A. Wrecked, damaged, or dilapidated temporary or seasonal dwellings, manufactured homes, mobile homes, recreational mobile homes, or camping units shall not be allowed in the Town. The Town or its designee shall determine if a unit is damaged or dilapidated to a point that makes it unfit for human occupancy. The Town or its designee shall have the right to inspect any unit that it has reason to believe is uninhabitable. If, after inspection, the Town determines that a unit is uninhabitable it shall notify, in writing, the owner of the property upon which such a unit is located, giving the findings upon which such a determination is based and shall order the owner of the property upon which the unit is located to remove or repair the unit to a safe, sanitary, and wholesome condition within a reasonable time, but not less than fifteen (15) days. The Town may order that no such unit may be used for habitation until such time that it is restored to a safe condition. Uninhabitable units are hereby declared to be a public nuisance. Uninhabitable conditions include, but are not limited to:
- (1) Structural deficiencies such as deteriorated floors, buckled walls, and deteriorated roofs.
 - (2) Electrical hazards such as bare wires, improper or unsafe connections, unprotected cables, conductors, open splices, etc.
 - (3) Improper plumbing and/or leaking fixtures.
 - (4) Mechanical hazards such as unvented or improperly vented gas appliances.

- (5) Unsafe stoves, fireplaces, or heaters that pose a fire hazard.
 - (6) Presence of mold or mildew.
 - (7) Faulty weather protection including leaks in the roof, broken windows, damaged siding, etc.
- B. The Town is authorized to inspect mobile home parks not less than once in every twelve (12) month period to determine the health, safety, and welfare of the park occupants and the inhabitants as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws of the state and ordinances of the municipality.

Sec. 7.03.06 Temporary and Mobile Home Dwellings Outside Manufactured and Mobile Home Communities

- A. No person on any parcel of land in the Town outside of a licensed manufactured and mobile home community may construct, install, park, or otherwise locate, or cause the construction, installation, parking, or other location of, any temporary or seasonal dwelling, manufactured home, or mobile home. No person may occupy or permit the occupancy of any temporary or seasonal dwelling, manufactured home, or mobile home, or recreational mobile home outside of a licensed manufactured or mobile home community.
- B. This section does not apply to any of the following:
- (1) Any mobile home or manufactured home parked temporarily at a place approved in writing by the Town Board and licensed by the State of Wisconsin to sell manufactured homes or mobile homes.
 - (2) Any camping unit parked or installed in a properly licensed campground.
 - (3) Any camping unit or recreational mobile home occupied for temporary or seasonal habitation outside of a licensed campground if parked or otherwise located on private property in a safe location with the approval of the owner of the property where parked or located for less than thirty (30) days in a calendar year.
 - (4) Any unoccupied camping unit or recreational mobile home parked or otherwise located outside of a licensed campground if parked or located on private property in a safe location with the approval of the owner of the property where parked or located.

- (5) Any unoccupied camping unit parked or installed temporarily at a place approved in writing by the Town and licensed by the State of Wisconsin to sell camping units in the Town.

Sec. 7.03.07 Manufactured and Mobile Home Communities

- A. Except for any manufactured and mobile home community owned or operated by the County of Sauk, no person may install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured and mobile home community in the Town unless the owner of the land occupied by the manufactured and mobile home community or the operator of the manufactured and mobile home community has been issued a Town Manufactured and Mobile Home Community License by the Town Clerk and has fully paid the annual license fee under sec. 66.0435(3)(a), Wis. Stats., due the Town for the calendar year.
- B. No person, after the effective date of this ordinance, may construct, install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, a manufactured and mobile home community in the Town without compliance with all applicable statutes, provisions of the Wisconsin Administrative Code, including compliance with specific rental requirements established under the Wisconsin Administrative Code that are adopted as part of this Chapter by reference, any County of Sauk zoning ordinance, any Town comprehensive plan, this Chapter, and any other applicable Town ordinances.
- C. Except as provided in Section 7.03.07(C)(1), no person, after the effective date of this ordinance, may install, operate, park, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured home, manufactured dwelling, mobile home, recreational mobile home, or camping unit in any manufactured and mobile home community in the Town without timely payment of the monthly parking permit fee as determined under sec. 66.0435(3)(c), Wis. Stats. The manufactured and mobile home community licensee shall collect and timely pay the fee to the Town Clerk, pursuant to sec. 66.0435(3)(c), Wis. Stats. Any manufactured and mobile home community operator or owner who collects monthly parking permit fees may deduct for administrative expenses two (2%) percent of the monthly fees collected prior to payment to the Town Clerk. Fees shall be collected by the licensee by the first (1st) of each month and paid to the Town Treasurer by the tenth (10th) of each month. The manufactured and mobile home community licensee is liable for the monthly municipal permit fee for any unit occupying space in the community as well as the owner and

occupant of each such unit, except that the licensee is not liable until the licensing authority has failed, in an action under ch. 799, Wis. Stats., to collect the fee from the owner and occupant of the unit. Failure to comply with the requirements of this section shall subject the person to a forfeiture of twenty-five (\$25.00) dollars. Each failure to report is a separate offense.

- (1) Section 7.03.07(C) does not apply to any manufactured home, manufactured dwelling, mobile home, or camping unit that is any of the following:
 - (a) An improvement to real property under sec. 70.043(1), Wis. Stats.
 - (b) A recreational mobile home as defined in sec. 66.0435(1)(hm), Wis. Stats.
 - (c) A camping trailer as defined in sec. 340.01(6m).
- D. Any licensed, manufactured and mobile home community operator or owner of land on which a manufactured and mobile home community is located shall timely notify the Town Clerk of information requested in writing by the Town Clerk, including the number of all manufactured dwellings, mobile homes, manufactured homes, or camping units installed, parked, or removed at any specific time periods in the mobile home park. This information shall be provided by the owner of the land or the operator of the manufactured and mobile home community within five (5) days after written request from the Town Clerk. The information requested shall be on a form provided by the Town Clerk.
- E. No person may, in any manufactured and mobile home community in the Town, create or maintain, or cause or allow the creation or maintenance of, a public nuisance or a substantial threat or danger to the health or safety of the public, including to those persons who are occupants or tenants of the mobile home park.
- F. No person, after the effective date of this ordinance, may construct, install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured and mobile home community unless the manufactured and mobile home community meets the following minimum construction, installation, and maintenance standards for the community and for every mobile home, manufactured home, manufactured dwelling, or camping unit to be installed or maintained in the mobile home park:
 - (1) There shall be one (1) parking space for each trailer in such parks, and such parking space shall be graveled or paved with concrete or

bituminous material or the mobile home placed on a foundation. The space shall be provided with six (6) tie-down anchors.

- (2) There shall be additional parking spaces for automotive vehicles within such park, surfaced as required above, equal to not less than two (2) parking spaces for each trailer space.
- (3) No unlicensed vehicles shall be stored in a park.
- (4) Each trailer parking space shall be not less than ten (10) feet wide nor of less length than the length of the trailer to be parked therein plus five (5) feet; each automobile parking space shall be not less than nine (9) feet wide and one hundred sixty (160) square feet in area, exclusive of maneuvering and access space.
- (5) There shall be a system of driveways, surfaced as required by Section 7.03.07(F)(1) above providing access from each and every trailer and automobile parking space within such mobile home park to the public street or highway; provided that there shall not be more than two (2) entrances from or exits to such street or highway from any one (1) such park.
- (6) Each trailer space shall be separated from all other trailer spaces, automobile parking spaces, or service buildings or structures within such park by open spaces, permanently planted to grass, flowers, shrubs, or trees, which shall be not less than fifteen (15) feet wide, except that there need not be more than a five (5) foot setback from an access driveway; provided, however, that such five (5) foot setback shall apply to the longest trailer to be accommodated within such park.
- (7) Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall not be less than twenty-five (25) feet wide. Within such yard there shall be established within six (6) months after issue of the permit for the location of such park, the following plantings:
 - (a) A temporary planting of fast growing material, capable of reaching a height of fifteen (15) feet or more, such as Lombardy Poplar; and
 - (b) A permanent evergreen planting, such as White or Norway Pine, the individual trees to be of such a number and so arranged that within ten (10) years they will have formed a screen equivalent in capacity to a solid fence or wall. Such

permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.

- (8) It shall be a condition of the granting of a permit for the establishment of any such mobile home park, and a continuing condition for the operation of the same, that:
 - (a) All parking spaces, walks, and driveways be constructed and maintained so as to prevent the accumulation of surface water and the formation of substantial muddy areas.
 - (b) That the planting screen required by Section 7.03.07(F)(6) be established and maintained.
 - (c) That sanitary facilities at least equal to the requirements of the State Board of Health be established and maintained.
 - (9) Each mobile home space shall have a minimum size of five thousand (5,000) square feet with a minimum width of fifty (50) feet.
 - (10) There shall be a weekly solid waste disposal collection service for each space. No refuse, garbage, or waste shall be allowed to accumulate in the park. Mattresses, interior furniture, and property shall not be allowed to accumulate in the open.
 - (11) Each mobile home park shall set aside at least five (5%) percent of the total area for a recreation area. This shall be in addition to yard open spaces. The area shall be provided with play equipment, furnished and maintained by the park owner.
 - (12) All mobile homes shall meet the construction standards of the Mobile Home Manufacturers Association and all federal, state, and local codes.
 - (13) No mobile home park operator may require that only mobile homes purchased from him be placed in the park, or sold to him when the mobile home owner moves out of the park.
 - (14) Domestic animals shall not roam free in the park and park shall be reasonably clean of domestic animal waste.
- G. No manufactured and mobile home community, after the effective date of this ordinance, may be occupied at anyone time by more than fifteen (15) mobile homes, manufactured homes, recreational mobile homes, or camping units, or a combination thereof, installed, maintained, or parked in the manufactured and mobile home community. Manufactured dwellings shall be permitted for installation in a manufactured and mobile

home community only upon written approval of the Town Board. No other buildings or structures are to be constructed, installed, or used in the manufactured and mobile home community for living quarters, sleeping, lodging, or any habitation unless approved in writing by the Town Board.

- H. The Town reserves the right to place special charges or special assessments on the land where the manufactured and mobile home community is located to defray the costs to the Town of services and materials furnished to the mobile home park.

Sec. 7.03.08 Campgrounds

No person, after the effective date of this ordinance, may construct, install, operate, maintain, or cause the construction, installation, operation, or maintenance of, a campground without obtaining a Town Campground License. No Town Campground License shall be issued for a campground for which a permit has not been issued by the State of Wisconsin under sec. 254.47, Wis. Stats.

Sec. 7.03.09 General License and Permit Provisions

- A. No person may conduct or cause any activity or use enumerated in this Chapter without a license or permit required in this Chapter.
- B. Application for a license or permit under this Chapter shall be made to the Town Clerk on a form furnished by the Town. The application shall contain such information as may be required by the Town Board.
- C. All license or permit fees imposed under this Chapter shall be collected by the Town Clerk and paid into the Town treasury. If a license or permit is denied after payment of a license fee, the license or permit fee shall be returned to the applicant. The license or permit fee will be set by resolution of the Town Board and will be maintained by the Town Clerk for inspection upon request.
- D. A license or permit under this Chapter may be issued by the Town Clerk, with the approval of the Town Board. If the Town Clerk has reason to believe that the applicant is not a fit person to be granted the license or permit, that the conduct, use or activity is not in compliance with federal or state law or regulations or any county, extraterritorial, or Town ordinance, or that the parcel for the conduct, use, or activity is not suitable, the Town Clerk shall refer the license or permit to the Town Board, or its designee, for investigation or inspection. If as a result of the investigation or inspection, the Town Clerk, with the approval of the Town Board, denies the license or permit, an appeal may be made by the

applicant in writing to the Town Clerk within five (5) days after the date of the denial. Upon receipt of a written appeal, the Town Clerk shall set a public hearing before the Town Board not less than ten (10) days after receipt of the written appeal and provide written notice of the hearing to the applicant. At the hearing the applicant is entitled to be represented by counsel. After hearing the evidence, the Town Board may confirm or reverse the denial. The determination of the Town Board is final.

- E. All licenses or permits issued under this Chapter shall be displayed upon the parcel or vehicle for which issued, or, if carried on the person, shall be displayed to any officer of the Town upon request.
- F. It is a condition of holding a license or permit under this Chapter that the licensee or permittee fully comply with all federal and state laws or regulations and all county, extraterritorial, and Town ordinances. Failure to do so is cause for revocation of the license or permit.
- G. All licenses or permits issued under this Chapter are personal and are not transferable except by written approval of the Town Board.
- H. Any license or permit issued under this Chapter may be revoked for cause by the Town Board. Any licensee or permittee whose license or permit is so revoked may apply within five (5) days after the revocation for a public hearing before the Town Board. At the hearing, the licensee or permittee is entitled to be represented by counsel. The hearing shall be conducted upon publication of a Class 1 Notice under s. 985.07, Wis. Stats., prior to hearing, with the costs for publication and public hearing paid by the licensee or permittee to the Town Clerk prior to publication. After hearing the evidence, the Town Board may confirm or reverse the revocation, or modify the revocation by imposing a limited period of suspension. The determination of the Town Board shall be in writing, shall state the reasons for the Board's action, and is final.

Sec. 7.03.10 Penalty Provisions

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Chapter shall, upon conviction, pay a forfeiture of not less than one hundred (\$100.00) dollars, nor more than five hundred (\$500.00) dollars plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this Chapter. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

CHAPTER 7.04 ANIMAL LICENSE FEES

Sec. 7.04.01

Dog License Fee

Sec. 7.04.01 Dog License Fee

Pursuant to sec. 174.05(3), Wis. Stats., a dog license on dogs additional to the minimum required under sec. 174.05(2), Wis. Stats., within the Town of Sumpter, Sauk County, Wisconsin, is authorized in the amounts show below.

Type of Dog	Statutory Scheduled Tax	Additional Tax	Total Tax
Unneutered Male	10.00	2.00	12.00
Unspayed Female	10.00	2.00	12.00
Neutered Male	5.00	2.00	7.00
Spayed Female	5.00	2.00	7.00

CHAPTER 7.05 OUTDOOR FURNACE PERMITS

Sec. 7.05.01	Purpose and Authority
Sec. 7.05.02	Definitions
Sec. 7.05.03	Permits
Sec. 7.05.04	Regulations
Sec. 7.05.05	Materials that May Not Be Burned
Sec. 7.05.06	Enforcement
Sec. 7.05.07	Penalty

Sec. 7.05.01 **Purpose and Authority**

It is the purpose of this Chapter to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of the Town of Sumpter for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity of the Town and its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles, and other products of combustion that can be detrimental to citizens health, and can deprive neighboring residents of the enjoyment of their property or premises. These regulations are adopted under the statutory authority granted pursuant to secs. 60.555, 60.10(2)(c), 60.22(3), and 61.34(1), Wis. Stats.

Sec. 7.05.02 **Definitions**

- A. For purposes of this Chapter, the following definitions shall apply:
- (1) Outdoor furnace. Means, but is not limited to, any device, appliance, equipment apparatus, or structure that is designed, intended, and/or used to provide heat and/or hot water to any associated structure, that operates by burning wood or any other fuel, including, but not limited to, paper pellets and agricultural products, is not located within the structure to be heated, and includes, but is not limited to, devices referred to as wood furnaces, outdoor boilers, hydronic heaters, and outdoor stoves.

Sec. 7.05.03 Permits

- A. No person shall install, use, replace, or maintain an outdoor furnace in the Town of Sumpter without a permit issued by the Building Inspector. The fee shall be set by the Town Board. The applicant shall submit an application for an outdoor furnace to the Town Clerk on a form prepared by the Town Building Inspector. Upon review of the application and approval by the Building Inspector, the Building Inspector shall issue a permit. The applicant must demonstrate compliance with the requirements of this Chapter to obtain a permit.

Sec. 7.05.04 Regulations

- A. All outdoor furnaces must meet or exceed the United States Environmental Protection Agency's Phase 1 or 2 Emission Standards for outdoor wood-fired hydronic heaters. Outdoor furnaces shall be placed at least fifty (50) feet from the back lot line and at least seventy-five (75) feet from side yard lot line of said subject property.
- B. Outdoor furnaces installed prior to April 11, 2011 do not need to comply with setback provisions contained in Section 7.05.04(A), however, any replacement of such an outdoor furnace will have to comply with the provisions contained in Section 7.05.04(A).
- C. The minimum chimney height shall be fourteen (14) feet as measured from the base of the outdoor furnace. The base is the pad or area on which the outdoor furnace is placed. In addition, if the outdoor furnace is located within three hundred (300) feet of a structure, the chimney height shall be at least two (2) feet above the elevation of the highest roofline, with the maximum required chimney height equal to thirty-five (35) feet from the base of the outdoor furnace. Compliance with this section requires increasing chimney height to meet the requirements of this section as rooflines within three hundred (300) feet are increased or newly constructed.
- D. An area of twenty (20) feet around the outdoor furnace structure shall be free of vegetation, except grass not exceeding four (4) inches in length.
- E. No fuel other than:
- (1) Natural wood. Owners using natural wood shall season or age the wood for at least one year
 - (2) Wood pellets.

- (3) Agricultural seeds. Only agricultural seeds that are not chemically treated and are without additives or in their natural state, may be burned.
- F. Outdoor furnaces shall not be used to burn any of the prohibited materials listed in Section 7.05.05.
- G. Outdoor furnaces and associated installation shall be subject to inspection by the Building Inspector at any reasonable time to assure compliance with the terms hereof.
- H. Those applying for an outdoor furnace shall provide the following information:
 - (1) A drawing identifying all of the information necessary to assure compliance herewith, including, but not limited to, distance to property boundaries and adjoining owners structures, if any are present and heights of all buildings or structures within three hundred (300) feet of the proposed location of the outdoor furnace.
 - (2) The property owner shall accurately mark the property lines for inspection by the Building Inspector.
 - (3) Manufacturer's specifications for the outdoor furnace.
- I. All outdoor furnaces shall comply with all applicable State and Federal statutes, including any Federal or State guidelines adopted after the enactment of this ordinance.
- J. Outdoor furnaces shall be installed and operated in accordance with the manufacturer's specifications.
- K. Nothing contained in this Chapter shall authorize any installation that is a public or private nuisance, regardless of compliance herewith.
- L. This Chapter shall not constitute a defense to any civil claims.

Sec. 7.05.05 Materials that May Not Be Burned

The following materials may not be burned in outdoor furnaces unless a specific written approval has been obtained from the Department of Natural Resources and the Town Board:

- A. Coal.
- B. Petroleum products.

- C. Rubbish or garbage. Including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
- D. All chemicals and asbestos.
- E. Waste oil or other oily wastes. Except used oil burned in a heating device for energy recovery subject to the restrictions in ch. NR 590, Wis. Admin. Code.
- F. Treated or painted wood. Including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- G. Any plastic material. Including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- H. Rubber including tires and synthetic rubber-like products.
- I. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled.
- J. Any and all chemically treated agriculture seeds.

Sec. 7.05.06 Enforcement

Before commencing prosecution under this Chapter, the Town Board shall give notice to the person charged with violating this Chapter. Such notice shall be in writing, and shall be served upon said person by personal service or sent by registered mail or, at the option of the Town Board, by posting a copy of this notice on the land or attaching a copy of the notice on the outdoor furnace or a surrounding building or structure likely to provide notice to the property owner. In addition, a copy of the notice shall be sent by mail to the owner of the land, building, or structure at the owner's last known address. The notice shall specify that failure to remedy the violation within ten (10) days of the date of personal service or twelve (12) days from the date of mailing shall result in the issuance of a penalty.

Sec. 7.05.07 Penalty

Failure to comply with the provisions of this Chapter, shall, upon conviction, pay a forfeiture of not less than one hundred (\$100.00) dollars nor more than two hundred and fifty (\$250.00) dollars, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall be considered a separate

offense under this Chapter. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

TITLE 8. MOTOR VEHICLES AND TRAFFIC

Chapter 8.01	General Traffic Regulations
Chapter 8.02	Specific Traffic Regulations
Chapter 8.03	Highway Designations

CHAPTER 8.01 GENERAL TRAFFIC REGULATIONS

Sec. 8.01.01 [RESERVED]

Sec. 8.01.01 [RESERVED]

CHAPTER 8.02 SPECIFIC TRAFFIC REGULATIONS

Sec. 8.02.01

Gruber's Grove Road

Sec. 8.02.01 Gruber's Grove Road

The rate of speed upon the Gruber's Grove Road in the Town of Sumpter shall not exceed 25 miles per hour, at any time. Pursuant to 349.11(5), Wis. Stats., the Town Chairperson, or his or her designee, shall maintain a sign to this effect.

CHAPTER 8.03 HIGHWAY DESIGNATIONS

Sec. 8.03.01	Authority
Sec. 8.03.02	Highway Designations and Weight Limitations
Sec. 8.03.03	Imposition of Weight Limitations
Sec. 8.03.04	Enforcement

Sec. 8.03.01 **Authority**

The Town Board of the Town of Sumpter, Sauk County, Wisconsin, has the specific authority under sec. 349.15, Wis. Stats., to modify weight limitations and highway classifications.

Sec. 8.03.02 **Highway Designations and Weight Limitations**

- A. The following town highways in the Town of Sumpter are designated class "B" highways subject to the weight limits set forth in sec. 348.16(2), Wis. Stats., unless increased by town ordinance.
- (1) Old Bluff Trail from US Highway 12 south, to the Town of Prairie du Sac line.

Sec. 8.03.03 **Imposition of Weight Limitations**

Pursuant to sec. 349.16(2), Wis. Stats., the Town Chairperson, or his or her designee, shall erect signs consistent with the highway designations and weight limitations in Section 8.03.02.

Sec. 8.03.04 **Enforcement**

No person may operate any vehicle on the highways noted in Section 8.03.02, in violation of the weight limitations set by this Chapter, without a written permit issued by the Town Board of the Town of Sumpter. Any violation shall be subject to penalties under sec. 348.21, Wis. Stats.

TITLE 9. NUISANCES AND OFFENSES

Chapter 9.01

Regulation and Licensing of Fireworks

CHAPTER 9.01 REGULATION AND LICENSING OF FIREWORKS

Sec. 9.01.01	Definitions
Sec. 9.01.02	Regulations
Sec. 9.01.03	Storage and Handling
Sec. 9.01.04	Parental Liability

Sec. 9.01.01 **Definitions**

A. For purposes of this Chapter, the following definitions shall apply:

- (1) Fireworks. Includes anything manufactured, processed, or packaged for exploding, emitting sparks, or combustion including:
 - (a) A cap containing not more than one-quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - (b) A toy snake.
 - (c) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length or one-quarter (1/4) inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
 - (d) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.
 - (e) A fuseless device that is designed to produce an audible or visible effect, and that contains less than one-quarter (1/4) grain of explosive mixture.
 - (f) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects.
 - (g) A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

- (h) A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
- (2) A firework does not include the following:
 - (a) Fuel or a lubricant.
 - (b) A firearm cartridge or shotgun shell.
 - (c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft, or motor vehicle.
 - (d) A match, cigarette lighter, stove, furnace, candle, lantern, or space heater.
 - (e) A model rocket engine.
 - (f) Tobacco or a tobacco product.

Sec. 9.01.02 Regulations

- A. No person shall sell, possess or use fireworks except as follows:
 - (1) A person may possess or use fireworks with a user's permit from the Town Chairperson. A permit under this subsection may be issued only to the following:
 - (a) A public authority.
 - (b) A fair association.
 - (c) An amusement park.
 - (d) A park board.
 - (e) A civic organization.
 - (f) A group of resident or nonresident individuals.
 - (g) An agricultural producer for the protection of crops from predatory birds or animals.
 - (2) To a city, village, or town; or
 - (3) The Town, except that Town fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
 - (4) The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Commerce.
 - (5) The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.

- (6) The possession or use of explosive or combustible materials in any manufacturing process.
 - (7) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - (8) A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.
 - (9) The possession of fireworks in any city, town, or village while transporting the fireworks to a city, town, or village where the possession of the fireworks is authorized by permit or ordinance, except a permit is necessary if the person transporting the fireworks remains in that city, town, or village for a period of at least twelve (12) hours.
- B. No person may use fireworks or a device listed under Section 9.01.01 while attending a fireworks display for which a permit has been issued to a person listed under Section 9.01.02(A)(1) if the display is open to the general public.
- C. A permit under this subsection shall specify all of the following:
- (1) The name and address of the permit holder.
 - (2) The date on and after which fireworks may be purchased.
 - (3) The kind and quantity of fireworks that may be purchased.
 - (4) The date and location of permitted use.
 - (5) Other special conditions prescribed by ordinance.
- D. Copy of Permit. A copy of a permit under this subsection shall be given to the Fire Chief and Chief of Police at least two (2) days before the date of authorized use.
- E. Minors Prohibited. A permit under this subsection may not be issued to a minor.
- F. Crop Protection Signs. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- G. Bond. The Town Chair issuing a permit under this subsection may require an indemnity bond with good and sufficient sureties or policy of liability

insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the Town, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Administrator.

Sec. 9.01.03 **Storage and Handling**

- A. Fire Extinguishers Required. No wholesaler, dealer, or jobber may store or handle fireworks in premises unless the premises are quipped with fire extinguishers approved by the Fire Chief.
- B. Smoking Prohibited. No person may smoke where fireworks are stored or handled.
- C. Fire Chief to be Notified. A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
- D. Storage Distance. No wholesaler, dealer, or jobber may store fireworks within fifty (50) feet of a dwelling.
- E. Restrictions on Storage. No person may store fireworks within five hundred (500) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one (1) gallon.

Sec. 9.01.04 **Parental Liability**

A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

TITLE 10. LAND USE REGULATIONS

Chapter 10.01	Land division and subdivision
Chapter 10.02	[RESERVED]

CHAPTER 10.01 LAND DIVISION AND SUBDIVISION

Sec. 10.01.01	Purpose and Intent
Sec. 10.01.02	Abrogation and Greater Restrictions
Sec. 10.01.03	Interpretation
Sec. 10.01.04	Repeal
Sec. 10.01.05	Title
Sec. 10.01.06	Authority
Sec. 10.01.07	Jurisdiction
Sec. 10.01.08	General Provisions
Sec. 10.01.09	Procedure
Sec. 10.01.10	Preliminary Plat and Development Plan
Sec. 10.01.11	Final Plat and Plan
Sec. 10.01.12	Certified Survey Map
Sec. 10.01.13	Design Standards
Sec. 10.01.14	Required Improvements
Sec. 10.01.15	Construction
Sec. 10.01.16	Developer's Maintenance Responsibility
Sec. 10.01.17	Responsibility For Improvement Costs; Fees
Sec. 10.01.18	Fees
Sec. 10.01.19	Violations
Sec. 10.01.20	Penalties
Sec. 10.01.21	Definitions

Sec. 10.01.01 Purpose and Intent

- A. Purpose. The purpose of this Chapter is to regulate and control the division of land within the Town in order to promote the public health, safety, and general welfare of the Town.
- B. Intent. It is the general intent of this Chapter to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision of transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further division of larger tracts into smaller parcels of land; to ensure adequate

legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this Chapter; to provide penalties for its violation; and in general to facilitate enforcement of community development standards as are or may be set forth in the land use plan, the Official Map of the Town, comprehensive plan (if adopted), and other Town ordinances.

Sec. 10.01.02 **Abrogation and Greater Restrictions**

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

Sec. 10.01.03 **Interpretation**

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Sec. 10.01.04 **Repeal**

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

Sec. 10.01.05 **Title**

This Chapter shall be known as, referred to as, or cited as the "Land Division and Subdivision Chapter, Town of Sumpter, Wisconsin."

Sec. 10.01.06 **Authority**

These regulations are adopted under the authority granted by sec. 236.45, Wis. Stats.

Sec. 10.01.07 **Jurisdiction**

Jurisdiction of these regulations shall include all lands within the limits of the Town.

Sec. 10.01.08 General Provisions

- A. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
- (1) Transfers of interests in land by will or pursuant to court order.
 - (2) Leases for a term not to exceed ten (10) years, mortgages, or easements.
 - (3) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by these regulations, the Zoning Code, or other applicable laws or ordinances.
- B. Compliance. No person shall divide any land located within the jurisdictional limits of these regulations which results in a condominium, subdivision, land division, or a replat as defined herein; no such subdivision, land division, or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following:
- (1) The provisions of ch. 236, Wis. Stats.
 - (2) The rules of the by the Department of Safety and Professional Services, contained in the Wisconsin Administrative Code, for subdivisions not served by public sewer.
 - (3) The rules of the Wisconsin State Department of Transportation, contained in sec. Trans. 233, Wis. Admin. Code, for subdivisions which abut the state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources, contained in sec. NR 116, Wis. Stats., for floodplain management.
 - (5) Duly approved land use plans, comprehensive plan (if adopted), Official Map, and all other applicable ordinances of the Town.
 - (6) No lot, land division, parcel, or tract shall be created or sold unless it has existing, safe access to a public road for ingress and egress of regular traffic and emergency vehicles.
 - (7) Applicable county ordinances, including storm water and erosion control ordinances.
- C. Dedication of Lands.

- (1) Public Ways. Whenever a tract of land to be developed embraces all or any part of an arterial street, drainage way or other public way which has been designated as such in the land use plan, comprehensive plan (if adopted), or on the Official Map of the Town, said public way shall be made a part of the plat and dedicated in the locations and dimensions indicated on said plat or map and as set forth in Section 10.01.13 of this Chapter. If streets are to be dedicated to the Town, the dedication of street right-of-way shall not create a commitment on the part of Town to construct, improve, or maintain any roadbed placed upon said right-of-way. Acceptance of any street, road, or highway for maintenance purposes shall require compliance with the design and construction standards of the Town of Sumpter and those of the applicable highway maintenance authority. The width of any dedicated street right-of-way shall be sixty-six (66) feet unless a wider right-of-way is requested by the proper highway authority, in which case, the wider right-of-way shall be dedicated. Right-of-ways less than sixty-six (66) feet are prohibited, except as approved in writing by the Town upon its finding that a wider right-of-way is unnecessary or impractical to achieve.
- (2) Public Lands. Whenever a proposed playground, park, or other public land, other than streets or drainage ways, designated in the master plan, master plan component, or on the Official Map of the Town, is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be dedicated to the public by the developer.

D. Required Improvements.

- (1) Monuments. The subdivision shall be monumented as required by sec. 236.15, Wis. Stats., which is hereby adopted by reference.
- (2) Streets and Utilities. The dedication of street right-of-way shall not create a commitment on the part of Town of Sumpter to construct, improve, or maintain any roadbed placed upon said right-of-way. Acceptance of any street, road, or highway for maintenance purposes shall require compliance with the design and construction standards of the Town of Sumpter and those of the applicable highway maintenance authority. The width of any dedicated street right-of-way shall be sixty-six (66) feet unless a wider right-of-way is requested by the proper highway authority, in which case, the wider right-of-way shall be dedicated. Right-of-ways less than sixty-six (66) feet are prohibited, except as approved in writing by

the Town of Sumpter upon their finding that a wider right-of-way is unnecessary or impractical to achieve.

- (3) The following is a list of public improvements that may be considered for each subdivision or land division:
 - (a) Water and sanitary sewer mains and laterals to the lot lines where connections to any existing system can reasonably be provided.
 - (b) Streets graded to full width and roadway graded to subgrades.
 - (c) Adequate facilities to provide surface water drainage.
 - (d) Curb and gutter.
 - (e) Final grade and sub materials.
 - (f) Final surface.
 - (g) Sidewalks, if required.
 - (h) Drainage structures/bridges.
 - (i) Railroad crossing grade improvements.
 - (j) Street lighting, if required.
 - (k) Boulevard landscaping, plantings, and trees.
 - (l) Pavement marking and regulatory signs.
 - (m) Street signs.
 - (n) Emergency service signs.
- (4) The adequacy of such facilities shall be subject to approval of the Town. Before final approval of any land division, the developer shall enter into an agreement with the Town to install the required improvements and shall file with the development agreement an irrevocable letter of credit or other appropriate sureties meeting the approval of the Town Attorney equal to one hundred twenty-five (125%) percent of the estimated cost of the improvements. Improvement cost estimates shall be made by the developer, reviewed by the Town Engineer, and approved by the Board. The improvements may be installed after approval of a preliminary plat or certified survey map, but not later than as specified in the development agreement. If the completion date of the improvements is not set forth in the development agreement, the improvements shall be completed within one year of the date of the recording of the final plat, except that the surface course of asphalt shall be completed after one freeze-thaw cycle but no later than July 1 after the freeze-thaw cycle.
- (5) In addition:
 - (a) Plans and specifications for all improvements shall be reviewed and approved by the Town Engineer, in writing,

prior to commencement of construction and the submission of the final plat or development plan for review. The developer may submit an interim final plat or development plan with the improvement plans; however, review and approval of a final plat or development plan shall not be initiated until the improvement plans have been reviewed and approved and until the development agreement has been fully executed along with the letter of credit.

- (b) Contracts and contract specifications for the construction of public improvements, as well as the contractors and subcontractors, providing such work shall be subject to the prior written approval of the Town Engineer in accordance with Town standards and specifications.
- (c) Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
- (d) Before final approval of any plat or development plan within the Town, the developer shall install survey monuments placed in accordance with the requirements of sec. 236.15, Wis. Stats., and as may be required by the Town Engineer.
- (e) Prior to the acceptance of a final plat or development plan, the developer shall furnish, when required by the Town, a consent and waiver of the statutory provisions for special assessments for the installation of sanitary sewer, storm sewer, sewer laterals, water main, water laterals, curb and gutter, sidewalks, street surfacing, underground street lighting services, and all other utilities, which shall be in a form approved by the Town Attorney, pursuant to sec. 66.0703(7), Wis. Stats., and shall be recorded in the office of the Register of Deeds in the same manner as a lis pendens. Such consent and waiver shall provide that the installation of such services shall be made at the discretion of the Board.

E. Waivers and Modifications. Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of Sections 10.01.13 and 10.01.14 of this Chapter, the Town Board may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without detriment to the public good without impairing the intent and purpose of this Chapter or the desirable general development of the community in accordance with the master plan or master plan component of the Town.

F. Land Suitability. No land shall be divided or developed for residential use which is held unsuitable for such use by the Town Board for reason of

flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Town Board, in applying the provisions of this subsection, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the developer an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Board may affirm, modify, or withdraw its determination of unsuitability. The Town shall determine land suitability at the time the preliminary plat is considered for approval. The developer shall furnish such maps, data, and information as may be necessary to make a determination of land suitability.

- G. Appeals. Any person aggrieved by an objection to a plat or development plan or a failure to approve a plat or development plan may appeal therefrom, as provided in sec. 236.13(5) and 62.23(7)(e)10-15, Wis. Stats., within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

Sec. 10.01.09 Procedure

- A. Pre-Application. It is recommended that, prior to the filing of an application for the approval of a preliminary plat or development plan, the developer consult with the Plan Commission in order to obtain the Town's advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the developer of the purpose and objectives of these regulations, the land use plan, comprehensive plan (if any), and other applicable Town and County ordinances and to otherwise assist the developer in planning his development.
- B. Preliminary Plat and Development Plan Approval Within the Town. The developer shall prepare a preliminary plat or development plan and submit an application in accordance with Section 10.01.10 of this Chapter. The developer shall file an adequate number of copies of the preliminary plat or development plan with the Town. The Plan Commission, within sixty (60) days of the date of the filing, shall recommend that the Town Board approve, conditionally approve, or reject the plat or plan, unless such time is extended by mutual agreement with the developer. The Town Board, within thirty (30) days of receiving the Plan Commission's recommendation, or the date of the filing of a preliminary plat or plan with the Town, shall approve, approve conditionally, or reject such plat or

plan unless the time is extended by mutual agreement with the developer. If the Plan Commission does not provide a recommendation to the Town Board within the sixty (60) days (or within an extended period of time if such time is extended by mutual agreement with the developer) the Town Board may act without the Plan Commission's recommendation. The Town Board shall return one copy of the plat or plan to the developer with the date and action endorsed thereon and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat or plan. One copy each of the plat or plan and letter shall be placed in the Town Board's permanent files. Failure of the Town Board to act within ninety (90) days shall constitute an approval unless the time is extended by mutual agreement with the developer. Approval or conditional approval of a preliminary plat or plan shall not constitute automatic approval of the final plat or plan, except that if the final plat or plan is submitted within twenty-four (24) months of preliminary plat or plan approval and conforms substantially with the preliminary plat layout as indicated in sec. 236.11(1)(b), Wis. Stats., the final plat or plan shall be entitled to approval with respect to such layout. The preliminary plat or plan shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat or plan which will be subject to further consideration by the Plan Commission and the Town Board at the time of its submission.

C. Final Plat and Development Plan Approval Within the Town.

- (1) Approval. The developer shall prepare a final plat or plan and submit a final application in accordance with Section 10.01.11 of this Chapter. The developer shall file the number of copies of the final plat or plan with the Town as requested by the Town Clerk. The Plan Commission, within thirty (30) days of the date of the filing of a final plat or plan with the Town, shall recommend that the Town Board approve, conditionally approve, or reject the plat or plan, unless such time is extended by mutual agreement with the developer. The Town Board within thirty (30) days of receiving the recommendation of the Plan Commission shall approve conditionally approve or reject such plat or plan unless the time is extended by mutual agreement with the developer. If the Plan Commission does not provide a recommendation to the Town Board within the thirty (30) days (or within an extended period of time if such time is extended by mutual agreement with the developer) the Town Board may act without the Plan Commission's recommendation. If the plat or plan is rejected or conditionally approved the Town Board shall state the reasons in the minutes of the meeting and a written statement of the reasons forwarded to the developer. The Town Board may not inscribe its

approval on the final plat or plan unless the Town certifies on the face of the plat or plan that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met. Upon failure of the Town to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat or plan shall be deemed approved.

- (2) Recordation. After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed. The Town shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the developer for recording with the County Register of Deeds. The register of deeds cannot record the plat unless it is offered within six (6) months from the date of the last approval.

D. Replat or Replan. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the developer or person wishing to replat shall vacate or alter the recorded plat as provided in subch. III of ch. 236, Vacating and Altering Plats, Wis. Stats. The developer or person wishing to replat shall then proceed as specified in Section 10.01.09(A)-(E). The Town shall also approve of all changes to a condominium layout or design.

E. Certified Survey Maps.

- (1) General Provisions. When it is proposed to divide land into less than five (5) parcels or building sites, of any size, or when it is proposed to divide a block, lot, or outlot into not more than four (4) parcels or building sites within a recorded subdivision plat without changing the boundaries of said block, lot, or outlot, the developer may subdivide by use of a certified survey map. The developer shall prepare the certified survey map and submit an application in accordance with Section 10.01.12 of this Chapter and the map with the Town.

- (2) Review by Plan Commission. The Plan Commission shall review the map for conformance with this Chapter and all ordinances, rules, regulations, land use plan, comprehensive plan (if any), Official Map (if any), and other applicable ordinances. The Plan Commission shall, within ninety (90) days from the date of filing of the map, recommend approval, conditional approval, or rejection

of the map, and shall transmit the map along with its recommendations to the Town Board.

- (3) Town Board Approval. The Town Board shall approve, approve conditionally, or reject such map within sixty (60) days from the date of filing of the map unless the time is extended by agreement with the developer. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the developer. If the map is approved, the Town Board shall direct the Town to so certify on the face of the original map and return the map to the developer.

Sec. 10.01.10 Preliminary Plat and Development Plan

- A. General Provisions. A preliminary plat or development plan shall be required for all subdivisions and condominiums and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
 - (1) The title under which the proposed subdivision or condominium is to be recorded.
 - (2) The location of the proposed subdivision or condominium by government lot, quarter section, township, range, county, and state.
 - (3) Date, scale, and north point.
 - (4) Names and addresses of the owner, developer, and land surveyor preparing the plat.
 - (5) The entire area contiguous to the proposed plat or site owned or controlled by the developer shall be included on the preliminary plat or plan even though only a portion of said area is proposed for immediate development. The Town Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.
- B. Plat or Plan Data. All preliminary plats and plans shall show the following:
 - (1) Total area of the land included in the plat expressed in acres and any portion of an acre in square feet.

- (2) Proposed use.
- (3) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in a U.S. Public Land Survey and the total acreage encompassed thereby.
- (4) Contours at vertical intervals of not more than two (2) feet. Elevations shall be marked on such contours based on USGS datum. Areas where slopes exceed twenty (20%) percent should be appropriately shaded.
- (5) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to USGS datum. Areas where slopes exceed twenty (20%) percent should be appropriately shaded.
- (6) Location, right-of-way width, and names of all existing driveways, streets, roads, pedestrian paths, alleys or other public ways, easements, railroad, and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (7) Location and names of any adjacent subdivisions, condominiums parks, and cemeteries, and owners of record of abutting unplatted lands.
- (8) Locations of all existing property boundary lines, lot lines, structures, drives, streams and watercourses, wetlands, grasslands, marshes, rock outcrops, wooded areas, railroad tracks, areas of known habitat, and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (9) Location, width, and names of all proposed streets and public rights-of-way such as alleys, pedestrian paths, and easements.
- (10) Approximate dimensions of all lots together with proposed lot and block numbers.
- (11) Location, size, and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- (12) Approximate radii of all curves.

- (13) Existing zoning on and adjacent to the proposed subdivision.
- (14) Corporate limits lines.
- (15) Any proposed lake, stream, or drainage way access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (16) Any proposed lake, stream, or drainage way improvement or relocation.
- (17) At least two permanent benchmarks shall be located in the immediate vicinity of the plat.
- (18) Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes, the location of manholes, catch-basins, hydrants, electric, and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.
- (19) Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
- (20) Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service. Areas of differing soil productivity shall be delineated with reference to prime farm soils.
- (21) On the same or different plats, plans, or maps, the following:
 - (a) Existing cemeteries, historical and archeological and other such sites identified in the Comprehensive Plan, registered historical and archeological sites, including any reference to the areas included in the proposed plat or plan in the book *Only in Sumpter*, and any sites referenced in the Wisconsin Archeological and Historical Resource Database (WisAHRD).

- (b) An indication of the level of tree clearing.
- (c) Any existing or planned erosion control measures and all cuts and fills shall be noted.
- (d) With regard to condominiums, the proposed identification of the different units for tax assessment purposes.

C. Supporting Documents. The following documents must be submitted in draft or preliminary form along with the preliminary plat or plan. The items shall be submitted to the Town Clerk for distribution to the Plan Commission, Town Attorney, and Town Engineer at least twenty (20) days before the Plan Commission meeting at which the preliminary plat or plan will be considered. The Town Clerk will provide the developer with the number of copies to be submitted.

- (1) Street Plans and Profiles. Street plans and profiles showing existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision or condominium, unless waived by the Plan Commission.
- (2) Testing. The Plan Commission may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to ground water table.
- (3) Development Agreement.
- (4) Form of Letter of Credit.
- (5) Covenants. Submission of a draft of protective or restrictive covenants whereby the developer intends to regulate land use in the proposed subdivision or condominium and otherwise protect the proposed development. The covenants shall include provisions providing for the regulation and maintenance of any easements (including stormwater easements).
- (6) Property Owners Association. Submission of a draft of the legal instruments and rules for proposed property owners associations when the developer proposes that common property within a subdivision or condominium would be either owned or maintained by such an organization of property owners.
- (7) Environmental Checklist. Submission of an environmental checklist on a form provided by the Town.

- (8) Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat or plan that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.
- (9) Areas of Potential Flooding.
- (a) When a proposed subdivision or condominium is located in an area where flooding or potential flooding may be a hazard, the developer shall submit a flood study prepared by a Registered Professional Engineer. The study shall establish the 100 year flood elevation and the relationship of the proposed development to the 100 year flood elevation.
 - (b) When a proposed subdivision or condominium is located in an area where flooding or potential flooding may be a hazard. The Town of Sumpter shall transmit to the Wisconsin Department of Natural Resources, one 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 modifications, limitations, improvements, or other conditions of the development can overcome the land unsuitability.
 - (c) Where a proposed subdivision or condominium is located wholly in an area where flooding or potential flooding may be a hazard, the Town of Sumpter shall apply the following standards in addition to all other requirements in the approval of plats, condominiums, and certified survey maps:
 - i. The development shall be in accordance with flood plain management standards of the Wisconsin Department of Natural Resources.
 - ii. 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 the Wisconsin Department of Natural Resources.
 - iii. Development shall be carried out or assured so as to not have an adverse effect on flood flows or storage capacity standards of the Wisconsin Department of Natural Resources.
- (10) Private Water and/or Sewage Disposal. Unless specifically exempted from this requirement elsewhere in this Chapter, all subdivision and condominium proposals where private water and/or sewage disposal systems are to be used shall be

accompanied by certifications and/or reports that satisfy the following criteria:

- (a) Describing the probable depth, cost, and yield of private wells. This report shall be based on competent scientific investigation and shall include the sources of all data used in the preparation of the report.
 - (b) Describing the soil conditions existing on the site as applicable to on-site waste disposal. A soils report shall accompany all subdivision proposals.
- (11) Land Suitability. The developer may, as a part of the pre-application procedure, request a determination of land suitability, providing the developer provides all necessary maps, data, and information for such determination to be made. The developer shall submit a completed environmental assessment checklist on a form prepared by the Town.
- (12) Stormwater Management Plan.
- (13) Erosion Control Plan.
- (14) Plans and Specifications For All Other Public Improvements.

Sec. 10.01.11 Final Plat and Plan

- A. General Provisions. A final plat or plan prepared by a registered land surveyor shall be required for all subdivisions and condominiums. A subdivision final plat shall comply in all respects with the requirements of sec. 236.20, Wis. Stats. The final plat may, if permitted by the Town Board, constitute only that portion of the approved preliminary plat or plan which the developer proposed to record or develop at that time. If the final plat or plan is not submitted within six (6) months of the last required approval of the preliminary plat or plan, the Town Board may refuse to approve the final plat or plan.
- B. Plat and Plan Data. The plat and plan shall show correctly on its face, in addition to the information required by sec. 236.20, Wis. Stats., the following:
- (1) Exact length and bearing of right-of-way lines of all streets.
 - (2) Exact street width along the line of any obliquely intersecting street.

- (3) Exact location and description of street lighting and lighting utility easements.
- (4) Railroad rights-of-way within and abutting the plat.
- (5) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- (6) Special restrictions required by the Town Board relating to access control along public ways or provisions for planting strips.
- (7) Drainage arrows at all lot lines showing the direction of drainage upon final grading of the land.

C. Supporting Documents. The following documents must be submitted, in final form, along with the final plat or plan:

- (1) Deed Restrictions. The Town Board shall require that all deed restrictions and covenants be filed with the final plat or plan.
- (2) Property Owners Association. The Town Board shall require the legal instruments creating a property owners association for the ownership and/or maintenance of common lands be filed with the final plat or plan.
- (3) Surveying and Monumenting. All final plats shall meet all the surveying and monumenting requirements of sec. 236.15, Wis. Stats.
- (4) Certificates. All final plats shall provide all the certificates required by sec. 236.21, Wis. Stats.; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.
- (5) The Development Agreement.
- (6) Stormwater Management Plan.
- (7) Erosion Control Plan.
- (8) Executed Letter of Credit.
- (9) Title evidence to establish current ownership interests and required signatures on plat or plan.
- (10) Plans. Six (6) copies of final public improvement plans and specifications.

- (11) With regard to condominiums, the proposed identification of the different units for tax assessment purposes.

D. Survey Requirements.

- (1) Examination. The Town Board shall examine all final plats and plans within the Town and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
- (2) Maximum Error of Closure. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision or development shall not exceed, in horizontal distance or position, the ratio of one part in ten thousand (1: 10,000) nor in azimuth, four second of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements is obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- (3) Street, Block and Lot Dimensions. All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of one part in five thousand (1: 5,000), or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.
- (4) Plat or Development Location. Where the plat or development is located within a quarter section, the corners of which have been relocated, monumented, and coordinated by the Town, the tie required by sec. 236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

- (5) Surveying and Monumenting. All final plats shall meet all the surveying and monumenting requirements of sec. 236.15, Wis. Stats.

Sec. 10.01.12 Certified Survey Map

- A. General. When a developer proposes any land division other than a subdivision or condominium, developer shall submit a CSM prepared by a registered land surveyor in accordance with sec. 236. 34, Wis. Stats., and this Chapter.
- B. Additional Information. The CSM shall also show the following information correctly on its face:
 - (1) The name and address of the individual dividing the lands.
 - (2) A metes and bounds description referenced to a line and a corner of the U.S. Public Land Survey.
 - (3) The locations, rights-of-way widths, and names of existing or proposed driveways, roads, streets, alleys or other public ways; easements, and railroad and utility rights-of-way included within or adjacent to the proposed land division.
 - (4) The location of an existing on-site sewage disposal system.
 - (5) Land Features. All existing property lines, structures, drives, watercourses, cemeteries, historical or archeological sites identified in the Comprehensive Plan, areas identified in the book *Only in Sumpter*, registered historical and archeological sites, any sites referenced in the Wisconsin Archeological and Historical Resource Database (WisAHRD), and drainage ditches and other features pertinent to proper division.
 - (6) Setbacks. Setbacks or Building Lines required by the Town Board.
 - (7) Future Land. All lands reserved for future acquisition.
 - (8) Date. Date of the CSM.
 - (9) Scale. Graphic scale - not more than one hundred (100) feet to one (1) inch.
 - (10) Directory Information. Name, address, and phone number of the owner, developer, and surveyor.

- (11) Zoning. Existing zoning on and adjacent to the proposed land division.
- (12) Lot Size. Square footage or acreage for each lot or parcel.
- (13) Elevations. Elevation markings of the parcel, in two (2') foot intervals, with areas with gradients greater than twenty (20%) percent shaded, utilizing USGS datums.
- (14) A statement on the face of the CSM that the parcel(s) created are considered unbuildable until a soil evaluation report, as required by the Department of Commerce, is filed in the Sauk County Planning and Zoning Office. If the parcel has access to a public sanitary sewerage system, the surveyor shall note on the face of the certified survey map that the parcel(s) are unbuildable unless hookup is made to the public sanitary sewer.
- (15) When dedication of lands is required, an owner's certification of dedication prepared in accordance with sec. 236.34, Wis. Stats. and a governmental jurisdiction certificate of the dedication, approved by the full governing body on the accepting jurisdiction.
- (16) Proof of compliance with ch. Trans 233, Wis. Admin. Code where applicable.
- (17) Areas of differing soil productivity shall be delineated with reference to prime farm soils.
- (18) All natural features such as woodlands, wetlands, grasslands, flood plains, and areas of known habitat.
- (19) With regard to condominiums, the proposed identification of the different units for tax assessment purposes.

C. Supporting Documents. The developer shall submit the following documents when filing the CSM.

- (1) Covenants and Restrictions. All restrictive covenants to be recorded for the proposed CSM.
- (2) Certificates. The surveyor shall certify on the face of the CSM full compliance with all of the provisions of this Chapter. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the CSM. In addition, dedication of streets and other public areas shall require the owner's certificate

and the mortgagees' certificate in substantially the same form as required by sec. 236.21(2)(a), Wis. Stats.

- (3) Title Evidence. In the discretion of the Town, endorsement to previously submitted title evidence, certified within seven (7) days, to establish current ownership interests and required signatures on the CSM.
 - (4) Any existing or planned erosion control measures and all cuts and fills.
 - (5) When required by the Plan Commission or the Town Board, supporting documents listed in Section 10.01.10(C) shall be submitted with a CSM.
- D. Recordation. The developer shall record the CSM with the Sauk County Register of Deeds within six (6) months of its approval by the Town Board and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the CSM by the Town Board.
- E. Certified Survey Maps shall comply with the design standards set forth in Section 10.01.13.

Sec. 10.01.13 Design Standards

- A. Street Arrangement.
- (1) General Provisions. In any new subdivision, condominium, or land division, the street layout shall conform to the arrangement, width and location indicated on the official map, master plan, or component neighborhood development plan of the Town. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The development shall be designed so as to provide satisfactory access to a public street. The dedication of street right-of-way shall not create a commitment on the part of Town of Sumpter to construct, improve or maintain any roadbed placed upon said right-of-way. Acceptance of any street, road, or highway for maintenance purposes shall require compliance with the design and construction standards of the Town of Sumpter and those of the applicable

highway maintenance authority. The width of any dedicated street right-of-way shall be sixty-six (66) feet unless a wider right-of-way is requested by the proper highway authority, in which case, the wider right-of-way shall be dedicated. Right-of-ways less than sixty-six (66) feet are prohibited, except as approved in writing by the Town of Sumpter upon their finding that a wider right-of-way is unnecessary or impractical to achieve.

- (2) Collector Streets. Collector streets shall be arranged so as to provide ready collection and conveyance of traffic from the development to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers, and other concentrations of population and to the major streets into which they feed.
- (3) Minor Streets. Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (4) Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being developed unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the development or land division or for the advantageous development of the adjacent tracts.
- (5) Reserve Strips. Reserve strips shall not be provided in any development to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Town Board.
- (6) Alleys. Alleys may be provided in commercial and industrial districts for off-street loading and service access, but shall not be approved in residential districts. Dead-end alleys shall not be approved and alleys shall not connect to a major thoroughfare.
- (7) Street Names. Street names shall not duplicate or be similar to existing street names and existing street names shall be projected wherever possible.

- B. Limited Access Highway and Railroad Right-of-Way Treatment. Whenever the proposed development contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- (1) When development or lots back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to all other setback or lot line requirements. This strip shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs and the building of structures hereon is prohibited."
- (2) Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred and fifty (250) feet from said highway or railroad right-of-way.
- (3) Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

C. Street Design Standards. The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map, or neighborhood development study; or if no width is specified therein, the minimum widths shall be as follows:

(1) Street Widths.

<u>Type of Street</u>	<u>R.O.W. Width To Be Dedicated</u>	<u>Pavement Width (Edge of Pavement to Edge of Pavement)</u>
Arterial Streets	80 feet	44 to 48 feet
Collector Streets	66 feet	22 to 32 feet
Minor Streets	66 feet	20 to 24 feet
Alleys	20 feet	20 feet
Pedestrian Ways	10 feet	5 feet

- (2) Cul-de-sacs. Cul-de-sac streets designed to have one end permanently closed shall not exceed five hundred (500) feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of forty-five (45) feet.

- (3) Temporary Dead-ends or Cul-de-sacs. (Maximum length of 800 feet).
- (a) No temporary turnaround is required if the street only serves one lot depth or width.
 - (b) A temporary tee turnaround is required if the distance from the centerline of intersection to far lot line of last lot of construction phase is four hundred (400) feet or less. The tee turnaround shall have a minimum width of twenty-four (24) feet a minimum transverse length of sixty (60) feet. A minimum radius of ten (10) feet and be surfaced with two (2) inches of bituminous asphalt over a ten (10) inch stone base.
 - (c) A temporary tee or temporary circular turnaround is required when not visible from the intersection or when the distance is greater than four hundred (400) feet but not greater than eight hundred (800) feet from the centerline of the intersection to the far lot line of the last lot in the construction phase. The temporary tee turnaround shall be constructed as specified in Section 10.01.13(C)(3)(b). The circular turnaround shall have a minimum radius of forty (40) feet and be surfaced with two (2) inches of bituminous asphalt over a ten (10) inch stone base. The Town Engineer shall determine whether the temporary turnaround required will be in the design of a tee or circle.

- (4) Street Grades. Unless necessitated by exceptional topography subject to the approval of the Town Board, the maximum centerline grade of any street or public way shall not exceed the following:
- (a) Arterial Streets. Six (6%) percent
 - (b) Collector Streets. Seven (7%) percent
 - (c) Minor Streets, Alleys, and Frontage Streets. Ten (10%) percent
 - (d) Pedestrian Ways. Twelve (12%) percent, unless steps of acceptable design are provided.

The grade of any street shall in no case exceed twelve (12%) percent or be less than one-half (1/2) of one percent (0.5%).

Street grades shall be established wherever practicable so as to avoid excessive grading, the excessive removal of ground cover or tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to forty (40) times the algebraic difference in the rates of grade for collector streets and thirty (30) times the difference for all other streets.

- (5) Half Streets. Where an existing dedicated or platted half street is adjacent to the tract being divided, the other half of the street shall be dedicated by the developer. The platting of half streets should be avoided where possible.

D. Street Intersections.

- (1) Streets shall intersect each other at nearly right angles as topography and other limiting factors of good design permit.
- (2) The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.
- (3) The number of intersections along arterials shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than six hundred (600) feet.
- (4) Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Town Board, or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.
- (5) Minor streets shall not necessarily continue across arterial or collector streets, but if the centerline of such minor streets approach the major streets from opposite sides within one hundred and fifty (150) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous, and a jog is avoided.

E. Blocks.

- (1) General Provisions. The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; the zoning requirements; the need for convenient access, control and safety of street traffic; and the limitations and opportunities of topography.
- (2) Length. Blocks in residential areas shall not, as a general rule, be less than five hundred (500) feet nor more than one thousand two hundred (1,200) feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
- (3) Pedestrian Ways. Pedestrian ways not less than ten (10) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed

essential by the Town Board to provide adequate pedestrian circulation or access to schools, shopping center, churches or transportation facilities.

- (4) Width. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

F. Lots.

- (1) General Provisions. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. However, no lot, land division, parcel, or tract shall be created or sold unless it is accessible to a street. Furthermore, every lot within a subdivision shall front on a publicly dedicated and improved street for a distance of at least sixty-six (66) feet, provided that the lot width at the building set back line complies with the Sauk County zoning regulations. Every lot, land division, parcel, or tract not located within a subdivision shall front on a publicly dedicated street for at least sixty-six (66) feet, unless a lesser frontage is approved in writing by the Town of Sumpter and is in conformance with the Sauk County Land Division and Subdivision Regulations Ordinance and allows for a building footprint adequate to meet the requirements of the Restrictive Covenants and the Sauk County Zoning Ordinances. Minimum lot frontage on cul de sacs is fifty (50) feet.
- (2) Side Lot Lines. Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- (3) Double Frontage and Reverse Frontage Lots. Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

- (4) Access. Every lot shall front or abut on a public street, as specified in Section 10.01.13(F).
- (5) Corner Lots. Corner lots shall have an extra width of ten (10) feet to permit adequate building setbacks from side streets.
- (6) Minimum lot size shall be the size necessary to meet Sauk County sewerage standards or applicable zoning; except that in a subdivision all lots shall be greater than nine thousand five hundred (9,500) feet and less than one (1) acre.
- (7) Lots with existing slopes of twenty (20%) percent or higher will require any building to be set back at least thirty (30) feet from the start of the twenty (20%) slope to reduce the possibility of erosion.
- (8) In a condominium, the density shall not be greater or less than that allowed for similar development. In no event shall a condominium dwelling unit be less than one thousand five hundred (1,500) square feet in size.

G. Easements.

- (1) Utility Easements. The Town Board shall require utility easements of widths deemed adequate for the intended purpose where necessary or advisable for electric power and communication poles, wires, and conduits; storm and sanitary sewers; and gas, water, and other utility lines.
- (2) Drainage Easements. Where a subdivision, condominium, or land division is traversed by a watercourse, drainage way, channel or stream, or low area, an adequate drainage way width, alignment, and improvement of such drainage way or easement shall be subject to the approval of the Town Board; and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Town Board.

H. Public Sites and Open Spaces. In the design of the plat, condominium, or certified survey map, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainage ways, and other public purposes. If designated on the master plan, master plan component, official map, or neighborhood development plan, such areas shall be made a part of the plat. If not so designated, consideration shall be given in the location of such sites to the

preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourse, watersheds, and ravines.

- I. Tree Removal. The only trees that may be removed from the developed area are the minimum amount necessary for buildings, driveways, sanitary sewer, wells, roads, storm water improvements, utilities, and yards.
- J. Non-agricultural development shall be located on the least productive area of the land suitable for development as determined by Sauk County Planning and Zoning.
- K. Developers are encouraged to cluster lots or improvements in order to minimize the amount of land devoted to residential use and maximize open space.
- L. The proposed improvements shall not disturb any existing cemetery, historical or archeological sites identified in the Comprehensive Plan, or registered historical or archeological site.
- M. All necessary measures will be taken to ensure that endangered and threatened species on a proposed site will be protected.
- N. New roads and utility transmission lines must be located and constructed in a manner that minimizes impact on prime farmland and other natural resources. Good site planning will preserve the natural view, protect erodible slopes, preserve woodlands, and protect wildlife habitat. It is desirable that development sites be landscaped to blend with the surrounding area.
- O. All subdivisions and condominiums must have community sewer systems if public sanitary sewer is not available.
- P. If feasible, all subdivisions and condominiums shall utilize shared or clustered wells.

Sec. 10.01.14 **Required Improvements**

- A. Survey Monuments. The developer shall install survey monuments placed in accordance with the requirements of sec. 236.15, Wis. Stats., and as may be required by the Town Board.
- B. Grading. After the installation of temporary block corner monuments by the developer and establishment of street grades by the Town Board, the developer shall grade the full width of the right-of-way of all streets

proposed to be dedicated in accordance with plans and standard specifications approved by the Town Board. The developer shall grade the roadbeds in the street rights-of-way to sub grade.

- C. Surfacing. After the installation of all utility and stormwater drainage improvements, the developer shall provide for surfacing all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the master plan or master plan components of the Town. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town, and by the Sauk County Highway Department where County approval is required.
- D. Curb and Gutter. If required by the Town Board for stormwater purposes, the developer shall provide concrete curb and gutter on all streets in accordance with plans and specifications approved by the Town Board. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.
- E. Lighting. Developer shall install full cut off lighting to illuminate street signs.
- F. Sidewalks.
 - (1) If required by the Town Board, the developer shall provide a concrete sidewalk on both sides of all collector streets within subdivisions and land divisions. The Town Board may require the construction of sidewalks on minor streets that serve subdivisions and land divisions with a gross density of four (4) dwelling units per acre or more.
 - (2) Wider than standard sidewalks may be required by the Town Board in the vicinity of schools, commercial areas, and other places of public assemblage and the Town Board may require the construction of sidewalks in locations other than those required under the preceding provisions of this Chapter if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.
 - (3) Alternative pedestrian ways may be approved in lieu of sidewalks where the proposed alternative pedestrian ways are constructed of all-weather material, are dedicated to the Town, or are owned and maintained by a properly registered homeowners association and have frontage on each parcel otherwise required to be provided with a sidewalk.

- G. Public Sanitary Sewerage. In all development in or adjacent to the sanitary sewer district, the developer shall provide sanitary sewers in such a manner as to make adequate sanitary sewerage service available to the development. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the Town Board.
- H. Development outside the sanitary sewer district may be served by private sewage disposal systems if public sewer facilities are not available. Private sewage disposal systems shall comply with chs. SPS 83 and 85, Wis. Admin. Code, and the Sauk County Sanitation Ordinance.
- I. Stormwater Management. The developer shall provide stormwater drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches, and open channels, as are necessary. Storm sewers shall be of adequate size and grade to hydraulically accommodate the ten year frequency storm; culverts shall be designed to accommodate the ten year frequency storm and shall be sized so that the twenty 25 year frequency storm does not cause flooding of the adjacent roadway. Upon the approval of the Town Engineer, stormwater swales and ditches may be sized for from 25 to 100 year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. Storm drainage facilities shall be designed to minimize hazards to life or property, and the size, type, and installation of all storm water drains and sewers proposed to be constructed shall comply with the plans and specifications approved by the Town Board, upon recommendation of the Town Engineer. Storm sewers oversized to handle runoff from offsite properties will be installed by the developer; however, the cost of oversizing above a twenty four (24) inch diameter storm sewer shall be paid by other users connecting to the system by special assessment.
- (1) Stormwater Management. Whenever it is planned to disturb one (1) acre or more and/or the Town Engineer determines that the proposed development will be likely to increase stormwater runoff and/or sediment transport from the land above the levels existing prior to any development, the developer shall submit a stormwater management plan in compliance with chs. NR 216 and 151, Wis. Admin. Code.
- (2) Landscape Approvals. Every detention basin, road ditch, or open channel required or approved under this subsection shall be adequately landscaped in accordance with plans approved by the Town Board. The Board may require the planting of grasses, trees, shrubs, wild flowers, other vegetation or any combination thereof

as it determines reasonable and necessary to promote the function, maintenance and aesthetic characteristics of such facilities.

- (a) Public Water Supply Facilities. The developer shall provide water mains or wells in such a manner as to make adequate water service available to the development, including each lot in a subdivision and each condominium in a condominium development. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Town Board and/or the Sanitary District. The developer shall utilize well clustering wherever possible.
- (b) Other Utilities. No electrical or telephone service shall be located on overhead poles except where impossible due to exceptional topography or other physical barrier. Plans indicating the proposed location of all gas, electrical power, and telephone distribution and transmission lines required to service the plat shall be approved by the Town Board and such map shall be filed with the Town.

Sec. 10.01.15 Construction

- A. Commencement. No construction or installation of improvements shall commence in a proposed development until the preliminary plat or certified survey map has been approved, the development agreement including the letter of credit has been executed, and the Town Engineer has given written authorization in accordance with Section 10.01.08(D) and the Town Engineer is satisfied that all other permits and approvals have been obtained from other authorities. Inspection fees shall be required as specified in this Chapter.
- B. Building Permits.
 - (1) No building permit shall be issued until the following improvements are installed, to the written approval of the Town Engineer:
 - (a) all final grading complete and each lot corner elevation established and recorded by a licensed surveyor,
 - (b) all underground utilities, including water and sewer, installed,
 - (c) all adequate stormwater improvements,
 - (d) a hard surface roadway allowing sufficient access for emergency service vehicles, and

- (e) final plat, plan, or certified survey map is approved and recorded (if required).
 - (2) No occupancy permit shall be issued until all improvements within the development are completed and approved, with the exception of the surface coat of asphalt, which shall be completed after a freeze-thaw cycle.
- C. Plans. The following plans and accompanying construction specifications may be required by the Town Engineer before authorization of construction or installation of improvements:
 - (1) Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.
 - (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations, and materials of required facilities.
 - (3) Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities.
 - (4) Planting plans showing the locations, age, and species of any required trees.
 - (5) Erosion control and stormwater management plans.
 - (6) Additional special plans, permits, or information as required; where required by State agencies, such plans shall be approved by such agencies prior to the commencement of construction.
- D. Inspection. The developer, prior to commencing any work within the subdivision, shall make arrangements with the Town Engineer to provide for adequate inspection. The Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties. All street subgrades must be proof-rolled in the presence of the Town Engineer before gravel base is spread and before asphalt paving is completed.
- E. Construction Site Erosion Control. The developer shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be so mulched, seeded, sodded or otherwise protected that erosion, siltation, sedimentation and washing are prevented in accordance with the plans and specifications approved by the Town Board. In addition:
 - (1) Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.

- (2) Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
 - (3) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
 - (4) Sediment basins shall be installed and maintained at all drainage ways to trap, remove and prevent sediment and debris from being washed outside the area being developed.
- F. Protecting Existing Flora. The developer shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainage ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.

Sec. 10.01.16 Developer's Maintenance Responsibility

In addition to all other requirements of this Chapter and the development agreement, the developer shall be responsible for the maintenance of all improvements within the development for a period of one year from the date of final acceptance of the final improvement. It shall be the responsibility of the developer to make any repairs necessary to such improvements upon complaint from the Town or from the owners of the development during this maintenance period. Failure of the developer to make the necessary repairs within ten (10) days shall allow, but not require, the Town to make the repairs. To ensure compliance with this provision, the Board may require a money deposit or other assurance that repairs made by the Town shall be promptly paid and in no event shall be paid later than fifteen (15) days from the date on which an itemized statement of costs incurred is presented to developer.

Sec. 10.01.17 Responsibility For Improvement Costs; Fees

- A. Responsibility For Improvements. The applicant for approval of every development shall be responsible for the design, construction, and installation of all required and agreed upon improvements which serve land division at their full cost and expense, except where the Town Board agrees to do any such work. However, with respect to any improvement serving a development constructed or installed by the Town, the cost thereof shall be charged to the benefited property through special assessments, payable over a term of years and at an interest rate

established by the Town Board within its jurisdiction and as otherwise provided in the development agreement. The Town may also collect the cost by any other method allowed by law.

Sec. 10.01.18 **Fees**

- A. General Provisions. The developer shall pay the Town all fees as hereinafter required before being entitled to record a plat or certified survey map or condominium plat.

- B. Preliminary Plat and Plan and Certified Survey Map (CSM) Review Fee. The developer shall pay an administrative fee to be determined by the Town in a fee schedule to reimburse the Town for the cost of any administrative or fiscal work which may be undertaken by the Town in connection with the preliminary plat, plan, or CSM. The fee shall be paid to the Town Clerk at the time of first application for approval of any preliminary plat, plan, or CSM. A reapplication fee to be determined by the Town in a fee schedule shall be paid to the Town Clerk at the time of reapplication or resubmittal of a revised preliminary plat, plan or revised CSM which has previously been reviewed.
 - (1) In addition, all engineering work, legal costs, and additional administrative costs incurred by the Town in connection with the preliminary plat or CSM review shall be invoiced to, and separately paid by, the developer. Developer shall escrow a minimum of five hundred (\$500.00) dollars per lot, up to a maximum of five thousand (\$5,000.00) dollars with the Town to cover these expenses. If the initial escrow is depleted below five hundred (\$500.00) dollars, the Developer shall refund to escrow to an amount acceptable to the town, but not to exceed five thousand (\$5,000.00) dollars.

- C. Final Plat Review Fee. The developer shall pay an administrative fee in an amount to be determined by the Town in a fee schedule to the Town for the cost of any administrative or fiscal work which may be undertaken by the Town in connection with the plat or plan. The fee shall be paid to the Town Clerk at the time of first application for approval of any final plat or plan. A reapplication fee in an amount to be determined by the Town in a fee schedule shall be paid to the Town Clerk at the time of reapplication or resubmittal of a revised final plat or plan for final approval which has previously been reviewed. In addition, all engineering work, legal costs and administrative costs incurred by the Town in connection with the final plat review shall be invoiced to, and separately paid by, the developer.

Sec. 10.01.19 Violations

It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued any Subdivision Development Permit by the Town authorizing the building on, or improvement of, any subdivision, land division, or replat with the jurisdiction of this Chapter not of record as of the effective date of this Code until the provisions and requirements of this Chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.

Sec. 10.01.20 Penalties

- A. Any person who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars plus the costs of prosecution for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.
- B. Recordation improperly made has penalties provided in sec. 236.30, Wis. Stats.
- C. Conveyance of lots in unrecorded plats has penalties provided for in sec. 236.31, Wis. Stats.
- D. Monuments disturbed or not placed have penalties as provided for in sec. 236.32, Wis. Stats.

Sec. 10.01.21 Definitions

- A. For the purpose of this Chapter, the following definitions shall apply:
 - (1) Advisory Agency. Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the Town and may suggest that certain changes be made to the plat or certified survey map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Town Board or on the Plan Commission. Examples of advisory agencies include the U.S. Soil Conservation Service, local school boards, and local utility companies.

- (2) Alley. A special public way affording only secondary access to abutting properties.
- (3) Building Line. A line parallel to a lot line and at a distance from the lot line to comply with the yard requirements of the Zoning Code.
- (4) Certified Survey Map (CSM). A map of a land split prepared in accordance with sec. 236.34, Wis. Stats., and Section 10.01.12 of this Chapter.
- (5) Cul-De-Sac. A local street with only one outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.
- (6) Developer. Any person or his or her agent dividing or proposing to divide land resulting in a subdivision, certified survey map, or other land division.
- (7) Division Of Land. A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for any purpose, including sale or development, condominiums, and condominium plats.
- (8) Drainage Way. A manmade improvement intended to convey water within or through a subdivision during periods of high runoff. Drainage ways will normally be dry for long periods of time. Drainage ways are usually privately owned and protected by easements; however, some major drainage ways may be dedicated. Drainage ways may also be called drainage swales or grass waterways.
- (9) Dwelling Unit. A structure or that part of a structure which is used or intended to be used as a home, residence, or sleeping place by one (1) person or by two (2) or more persons maintaining a common household, to the exclusion of all others.
- (10) Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one half (1 ½) miles of a fourth class City or a Village and within three (3) miles of all other Cities.
- (11) Final Plat. A map prepared in accordance with the requirements of ch. 236, Wis. Stats., and this Chapter for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.
- (12) General Plan. The extensively developed plan, also called a master plan, adopted by the Plan Commission and certified to the Town

Board, pursuant to sec. 62.23, Wis. Stats., including proposal for future land use, transportation, parks and recreation, urban redevelopment, and public facilities. Devices for the implementation of these plans such as zoning, official map, and land division ordinances, and capital improvement programs shall also be considered a part of the General Plan.

- (13) Improvement. Construction, building, or materials that are or may be to the benefit of the public including, but not limited to, roads, streets, erosion control measures, stormwater management measures, etc.
- (14) Lot. A parcel of land of at least sufficient size to meet the minimum lot size requirements of this Chapter.
- (15) Lot, Corner. A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty five (135°) degrees or less, measured on the lot size.
- (16) Lot, Double Frontage. A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have two (2) front yards and two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts a major street. Double frontage abutting major streets should restrict direct access to the major street by means of a planting buffer or some other acceptable access buffering measure.
- (17) Lot, Reverse Frontage. A corner lot with no provision for extra width to permit side yard to be same as front yards on that side.
- (18) Master Plan. An extensively developed plan, map, or other document pertaining to planning and adopted by the Plan Commission which may pertain to the division of lands, including the Official Map, comprehensive development plans, and other planning documents including proposals for future land use, transportation, urban development, parks and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, Official Map, subdivision and land development, building development, and capital improvement plans shall be considered as planning documents within this definition.
- (19) Multiple Family Dwelling. An apartment building, row house, townhouse, condominium, or modular home as defined in sec.

101.71(6), Wis. Stats., that consists of three (3) or more attached dwelling units.

- (20) Objecting Agency. An agency empowered to object to a subdivision plat pursuant to ch. 236, Wis. Stats. The City may not approve any plat upon which an objection has been certified until the objection has been satisfied. On any plat, the objecting agencies may include the Wisconsin Department of Safety and Professional Services, the Wisconsin Department of Transportation, the Wisconsin Department of Natural Resources, the Wisconsin Department of Workforce Development, and the Wisconsin Economic Development Corporation.
- (21) Official Map. A map indicating the location, width, and extent of existing and proposed streets, highways, drainage ways, parks, playgrounds, and other facilities, as adopted by the Town Board pursuant to ch. 62, Wis. Stats.
- (22) Owner. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, limited liability company, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this Chapter.
- (23) Parcel. Contiguous lands under the control of a developer. No easement, street, highway, river, stream, water of body or railroad rights-of-way shall constitute a breach of contiguity. Also referred to as a lot.
- (24) Public Improvements. Public improvements shall include any improvements within a subdivision or other land division that are for the public benefit, including but not limited to streets, stormwater management improvements, erosion control improvements, and utility improvements.
- (25) Plat. This term includes a map of a subdivision or minor land division.
- (26) Preliminary Plat. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided and shows the approximate location of lots and other improvements.
- (27) Public Sanitary Sewer System. A Wastewater Treatment Plant and appurtenances licensed by the Wisconsin Department of Natural Resources and owned and operated by a city, village, or town.

- (28) Public Way. Any public road, street, highway, walkway, drainage way, or part thereof.
- (29) Replat. The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map or part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or outlot is not a replat.
- (30) Reservation. A means of setting aside a parcel of land for a specific use in the future. Counter to the principle of dedication, the land is not owned by the public and must be purchased or released from reservation at some future date. The date by which the land must be purchased may be specified in the reservation.
- (31) Street, Arterial. A street used or intended to be used, primarily for fast or heavy through traffic. An arterial street shall include freeways and expressways as well as standard arterial streets, highways, and parkways.
- (32) Street, Collector. A street used, or intended to be used, to carry traffic from local streets to the major system of arterial streets including the principal entrance streets to residential developments.
- (33) Street, Frontage. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (34) Street, Local. A street used, or intended to be used, primarily for access to abutting properties.
- (35) Subdivider. A developer.
- (36) Subdivision. See sec. 236.02(12), Wis. Stats. The term “subdivision,” as used in this Chapter, shall further mean the division or subdivision of a parcel or tract of land by the owner or developer thereof, or the owner’s or developer’s agent, for the purpose of sale or of building development, where:
- (a) the act of division creates four (4) or more building sites; or
 - (b) four (4) or more building sites or less in area are created by successive divisions within a period of five (5) years.

CHAPTER 10.02 [RESERVED]

TITLE 11. LAKE REGULATIONS

Chapter 11.01 Lake Wisconsin and Water Traffic Regulations

CHAPTER 11.01 LAKE WISCONSIN AND WATER TRAFFIC REGULATIONS

Sec. 11.01.01	Applicability and Enforcement
Sec. 11.01.02	Intent
Sec. 11.01.03	State Boating and Safety Laws Adopted
Sec. 11.01.04	Penalties

Sec. 11.01.01 Applicability and Enforcement

- A. The provisions of this Chapter shall apply to the waters of Lake Wisconsin.
- B. This Chapter shall be enforced by the officers of the Town of Sumpter.

Sec. 11.01.02 Intent

The intent of this Chapter is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Sec. 11.01.03 State Boating and Safety Laws Adopted

State boating laws as found in secs. 30.50 to 30.71, Wis. Stats., are adopted and incorporated by reference.

Sec. 11.01.04 Penalties

Wisconsin state boating penalties as found in sec. 30.80, Wis. Stat., and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.